CHAPTER 14.

An Act to consolidate the enactments relating to the Housing of the Working Classes in England and Wales. [9th April 1925.]

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

PART I.

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITIONS OF HOUSES.

Obligations as to Repair of Houses.

Conditions to be implied on letting houses for habitation.

1.—(1) In any contract for letting for habitation a dwelling-house at a rent not exceeding—

(*a*) in the case of a house situate in the administrative county of London, forty pounds;

(*b*) in the case of a house situate elsewhere, twenty-six pounds;

there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation:

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for habitation, and the lease is not determinable at the option of either party before the expiration of three years.

(2) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or

occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.

(3) In this section the expression "landlord" means any person who lets for habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression "dwelling-house" includes part of a dwelling-house.

(4) This section applies to a contract made either before or after the commencement of this Act:

Provided that, in the case of a house situate elsewhere than in the administrative county of London, or a borough or an urban district with a population according to the last census for the time being of fifty thousand or upwards, the rent whereof exceeds sixteen pounds, this section shall not apply if the contract was made before the thirty-first day of July, nineteen hundred and twenty-three.

Application to houses occupied by workmen engaged in agriculture.

2.—(1) Notwithstanding any agreement to the contrary, where under any contract of employment of a workman employed in agriculture the provision of a house or part of a house for the occupation of the workman forms part of the remuneration of the workman, and the provisions of the foregoing section are inapplicable by reason only of the house or part of the house not being let to the workman, there shall be implied as part of the contract of employment, the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly as if incorporated in this section, with the substitution of "employer" for "landlord," and such other modifications as may be necessary:

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

(2) This section shall apply whether the contract of employment was entered into before or after the commencement of this Act, but shall not apply in respect of any period during which the house was occupied under any such contract before the first day of January, nineteen hundred and twenty-one.

Power of local authority to repair houses.

3.—(1) If the owner of any dwelling-house suitable for occupation by persons of the working classes fails to make or keep the house in all respects reasonably fit for human habitation, then, without prejudice to any other powers, the local authority may serve a notice upon the owner of the house requiring him within a reasonable time, not being less than twenty-one days, specified in the notice, to execute the works specified in the notice as being necessary to make the house in all respects reasonably fit for human habitation:

Provided that, if the house is not capable without reconstruction of being rendered in all respects reasonably fit for human habitation, the owner may, within twenty-one days after the receipt of such notice, by written counter notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of the house. Any question arising under this proviso shall, in case of difference between the owner and the local authority, be determined by the Minister.

(2) If the notice of the local authority is not complied with, then—

(*a*) at the expiration of the time specified in that notice if no such counter notice as aforesaid has been given by the owner; and

(*b*) at the expiration of twenty-one days from the determination by the Minister if such counter notice has been given by the owner, and the Minister has determined that the house is capable without reconstruction of being made in all respects reasonably fit for human habitation;

the local authority may themselves do the work required to be done.

(3) Any expenses incurred by the local authority under this section, together with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of service of a demand for the same till payment thereof from the owner, may be recovered in a court of summary jurisdiction and until recovery of such expenses and interest the same shall be a charge on the premises. In all summary proceedings by the local authority for the recovery of any such expenses, the time within which

the proceedings may be taken shall be reckoned from the date of the service of notice of demand.

(4) The local authority may by order declare any such expenses to be payable by monthly or annual instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner or occupier, and, if recovered from the occupier, may be deducted by him from the rent of the house.

(5) The local authority shall, for the recovery of their expenses with interest, have all the same powers and remedies under the Conveyancing Acts, 1881 to 1922, and otherwise as if they were mortgagees having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(6) An owner may appeal to the Minister against—

(*a*) any notice requiring him to execute works under this section; or

(*b*) any demand for the recovery of expenses from him under this section; or

(*c*) an order made by the local authority under this section with respect to those expenses;

by giving notice of appeal to the Minister within twenty-one days after the notice is received, or the demand or order is made, as the case may be, or such longer time as the Minister may allow, and no proceedings shall be taken in respect of any notice, order or demand whilst the appeal is pending:

Provided that no appeal against such a demand or order shall lie if and so far as the appeal raises any question which might have been raised on an appeal against the notice itself.

(7) Any such notice, demand or order shall be binding and conclusive as to any matters which could have been raised on such appeal to the Minister.

(8) In addition to serving the notice on the owner, the local authority may serve copies of the notice on any

persons having an estate or interest in the premises superior to that of the owner, and it shall be the duty of the owner or any other person having such an estate or interest, on being so required by the local authority, to state the name and address of the person from whom he holds, and if he fails to do so, or knowingly makes a mis-statement, he shall be liable on summary conviction to a fine not exceeding five pounds.

(9) Any remedy given by this section for failure to make or keep a house in all respects reasonably fit for human habitation shall be in addition to and not in derogation of any remedy available to the tenant against his landlord either at common law or otherwise.

(10) In this section "owner" has the same meaning as in the Public Health Acts.

Power of local authority to acquire closed houses.

4. Where a dwelling-house in respect of which a notice has been served upon the owner by the local authority under subsection (1) of the last foregoing section is not capable without reconstruction of being rendered in all respects reasonably fit for human habitation, and a closing order has in consequence been deemed to have become operative in respect thereof, the Minister may on the application of the local authority make an order authorising the authority to acquire the house, and thereupon this Act shall apply as if the house were land authorised to be acquired compulsorily for the purposes of a reconstruction scheme under Part II. of this Act, and that land had been included in the scheme on account of the sanitary condition of the premises thereon.

Information to tenants of houses for the working classes.

5. In the case of dwelling-houses intended or used for occupation by the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in the rent book, or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and where there has been any failure to comply with the provisions of this section in respect of any house, any person who demands or collects any rent of the dwelling-house shall be liable on summary conviction to a fine not exceeding forty shillings.

Power of Local Authorities to make Byelaws.

Byelaws respecting houses divided into separate tenements.

38 & 39 Vict. c. 55.
54 & 55 Vict. c. 76.

6.—(1) The power of making and enforcing byelaws under the Public Health Act, 1875, and the Public Health (London) Act, 1891, shall include the making and enforcing by local authorities of byelaws in the case of houses intended or used for occupation by the working classes:—

(*a*) for fixing and from time to time varying the number of persons who may occupy a house which is let in lodgings or occupied by members of more than one family, and for separation of the sexes therein;

(*b*) for the registration and inspection of such houses;

(*c*) for enforcing drainage and promoting cleanliness and ventilation of such houses;

(*d*) for requiring provision adequate for the use of and readily accessible to each family of—

(i) closet accommodation;

(ii) water supply and washing accommodation;

(iii) accommodation for the storage, preparation, and cooking of food;

and, where necessary, for securing separate accommodation as aforesaid for every part of such house which is occupied as a separate dwelling;

(*e*) for the keeping in repair and adequate lighting of any common staircase in such houses;

(*f*) for securing stability, and the prevention of and safety from fire;

(*g*) for the cleansing and redecoration of the premises at stated times, and for the paving of the courts and courtyards;

(*h*) for the provision of handrails, where necessary, for all staircases of such houses;

(*i*) for securing the adequate lighting of every room in such houses;

(*j*) as respects houses situate in the administrative county of London, for the taking of precautions in the case of infectious disease;

and any such byelaws, in addition to any other penalty, may prohibit the letting for occupation by members of more than one family of any such house unless the same are complied with, subject in the case of houses so let or occupied at the time when such byelaws come into force to the allowance of a reasonable time for the execution of any works necessary to comply therewith.

(2) This section shall apply to the administrative county of London with the following modifications:—

(*a*) As respects the county of London, the byelaws for the purposes specified in subsection (1) of this section shall be made by the London County Council, and shall be observed and enforced by each metropolitan borough council except as regards byelaws for the purposes specified in paragraph (*f*) of subsection (1), which shall be enforced by the London County Council;

(*b*) As regards the City of London, such byelaws shall be made and enforced by the Common Council except as regards byelaws for the purposes specified in paragraph (*f*) of subsection (1), which shall be made and enforced by the London County Council.

Byelaws so made by the London County Council may provide that the byelaws shall, either generally or as respects any particular metropolitan borough or any part thereof, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws; and as soon as any such byelaws come into force, all byelaws made by the council of any metropolitan borough under section ninety-four of the Public Health (London) Act, 1891, shall cease to have effect, but the council of a metropolitan borough shall themselves have power at any time after such byelaws have been made by the London County Council to make byelaws under the said section ninety-four with respect to any houses or parts of houses in their area let in lodgings or occupied by members of more than one family to which the byelaws made by the London County Council do not apply.

(3) If in the opinion of the Minister premises are being occupied by members of more than one family or

are intended to be converted for such occupation in the district of any local authority and either no byelaws have been made by the local authority for the purposes specified in subsection (1) of this section, or the byelaws made are not sufficient properly to regulate such occupation or conversion, the Minister may himself make byelaws for such purposes, which shall have effect and shall be enforced as if they had been made by the local authority.

Execution of works to comply with byelaws.

7.—(1) Byelaws under the last foregoing section may impose the duty of executing any work required to comply therewith upon the owner within the meaning of the Public Health Acts of any such house, or upon any other person having an interest in the premises, and may prescribe the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises.

(3) Where an owner or other person has failed to execute any works which he has been required to execute under any such byelaws, the local authority by whom the byelaws are enforced may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of section three of this Act with respect to the execution of works and the recovery of expenses by local authorities shall apply with such modifications as may be necessary.

(4) Where the person on whom obligations are imposed by any byelaws made for the purposes specified in subsection (1) of the preceding section with respect to houses intended or used for occupation as therein mentioned, holds the premises under a lease or agreement and satisfies the local authority that compliance with the byelaws is contrary to the provisions of the lease or agreement, or that the whole or any part of the expenses of carrying out the obligations ought to be borne by his lessor or other superior landlord, the local authority may make application to the county court, and the county court may, after giving the lessor or any other superior landlord an opportunity of being heard,—

(*a*) in the first case, order that the provisions of the lease or agreement be relaxed so far as they are

inconsistent with the requirements of the byelaws;

(*b*) in the second case, grant to the person who carries out the works necessary for compliance with the byelaws, on proof to the satisfaction of the local authority that the works have been properly carried out, a charging order charging on the premises an annuity to repay the expenses properly incurred in carrying out the works or such part of those expenses as the county court consider ought to be so charged.

(5) The annuity shall be of such amount and extend over such number of years as the county court may determine.

(6) Where a local authority have themselves acquired a leasehold interest in any house under the powers conferred upon them by this Act or any enactment repealed thereby, the Minister, on the application of the local authority, may make a similar order with regard to the relaxation of the provisions of the lease and to charging an annuity on the premises as might, had the lessee not been the local authority, have been made on the application of the local authority by the county court, and in that case the decision of the Minister as to the amount and duration of any such annuity shall be final.

Duty of Local Authority and Medical Officer of Health to Inspect Houses, &c.

Duty of local authority to inspect their district.

8. It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority, and every officer of the local authority, to comply with such regulations and to keep such records as the Minister may prescribe.

Representation by medical officer of health.

9. It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.

Representation on complaint.

10. If any justice of the peace acting for a district, or the council of any parish in a district, or any four or more local government electors in a district, complain in writing to the medical officer of health of that district that any dwelling-house within the district is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same and transmit to the local authority the complaint with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority.

Closing and Demolition Orders.

Duty of local authority as to closing of house unfit for human habitation.

11.—(1) If, on the representation of the medical officer of health, or of any other officer of a local authority, or on other information given, any dwelling-house appears to the local authority to be in a state so dangerous or injurious to health as to be unfit for human habitation, the local authority shall make a closing order prohibiting the use of the house for human habitation until, in the judgment of the local authority, the house is rendered fit for that purpose.

(2) Notice of a closing order shall be forthwith served on every owner of the house in respect of which it is made, and any owner aggrieved by the order may appeal to the Minister by giving notice of appeal to the Minister within fourteen days after the notice is served upon him.

(3) Where a closing order has become operative, the local authority shall serve notice of the order on the person inhabiting the house in respect of which the order is made, and, within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the house, and in default he may, on complaint to a court of summary jurisdiction, be ordered to quit the house within such time as may be specified in the order.

(4) Unless the house has been made unfit for habitation by the wilful act or default of the tenant or of any

person for whom as between himself and the owner or landlord he is responsible, the local authority may make to the tenant such reasonable allowance on account of his expense in removing as may be determined by the local authority with the consent of the owner of the house, or, if the owner of the house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the house summarily as a civil debt.

(5) The local authority shall determine any closing order made by them if they are satisfied that the house, in respect of which the order has been made, has been rendered fit for human habitation.

(6) If, on the application of any owner of a house, the local authority refuse to determine a closing order, the owner may appeal to the Minister by giving notice of appeal to the Minister within fourteen days after the application is refused.

Penalty on reletting house ordered to be closed.

12. If any owner of a dwelling-house in respect of which a closing order is in force, or any other person, lets or attempts to let, or occupies or permits to be occupied, the house or any part thereof as a dwelling-house, he shall on summary conviction be liable to a fine not exceeding twenty pounds, and in the event of the offence continuing after conviction thereof to a further fine not exceeding five pounds for each day during which the offence is continued after such conviction.

Recovery of possession of houses in respect of which closing orders made.
51 & 52 Vict. c. 43.
1 & 2 Vict. c. 74.

13.—(1) Where default is made as respects any dwelling-house in obeying a closing order, possession of the house may be obtained, whatever may be the value or rent of the house, by or on behalf of the owner or local authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888, or under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, and in either case may be obtained as if the owner or local authority were the landlord.

(2) Any expenses incurred by a local authority under this section may be recovered from the owner of the house summarily as a civil debt.

Order for demolition.

14.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the house, and shall give every owner of the house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building, being or being part of the house, is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring houses, they shall order the demolition of the house or building.

(3) If any owner undertakes to execute forthwith the works necessary to render the house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time, not exceeding six months, as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works, and if and when the necessary works are completed to their satisfaction, the local authority shall determine the closing and demolition orders relating to the house.

(4) Notice of an order for the demolition of a house or building shall be forthwith served on every owner of the house or building in respect of which it is made, and any owner aggrieved by the order may appeal to the Minister by giving notice of appeal to the Minister within twenty-one days after the notice is served upon him, or, where the operation of the order has been postponed for any period, within fourteen days after the expiration of that period.

Execution of demolition order.

15.—(1) Where an order for the demolition of a house or building has been made, the owner thereof shall within three months after the order becomes operative proceed to take down and remove the house or building,

and if the owner fails therein the local authority shall proceed to take down and remove the house or building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner.

(2) Where the amount realised by the sale of such materials is not sufficient to cover the expenses incident to the taking down and removal of the house or building, the local authority may recover the deficiency from the owner of the house or building summarily as a civil debt, or under the provisions of the Public Health Acts, 1875 to 1907, relating to private improvement expenses.

(3) Where a house or building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on the site of such house or building or any part thereof; and if any house, building, or erection is erected contrary to the provisions of this subsection, the local authority may at any time order the owner thereof to abate or alter the same, and in the event of non-compliance with the order, may themselves abate or alter the same, and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt:

Provided that any person aggrieved by an order under this subsection may appeal to quarter sessions.

Grant of charges by way of annuity to owner on completion of works.

16.—(1) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local authority under this Part of this Act, he may apply to the local authority for a charging order, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges, and expenses of the works; and the local authority, when satisfied that the owner has duly executed such works, and of the amount of such costs, charges, and expenses, and of the costs of obtaining the charging order which have been properly incurred, shall make an order accordingly, charging on the house an annuity to repay the amount:

Provided that any person aggrieved by such an order may appeal to quarter sessions.

(2) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

(3) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the house is situate, and be by him filed and recorded.

Prohibition of back-to-back houses.

17.—(1) Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house shall be deemed to be in a state so dangerous or injurious to health as to be unfit for human habitation for the purposes of the provisions of this Act:

Provided that nothing in this section shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back if the medical officer of health for the district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

(2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, on the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

Closing-order in respect of underground rooms.

18.—(1) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within nine feet of the room, shall for the purposes of this Part of this Act be deemed

to be a house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(*a*) is not on an average at least seven feet in height from floor to ceiling; or

(*b*) does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation:

Provided that, if the local authority, after being required to do so by the Minister, fail to make such regulations, or such regulations as the Minister approves, the Minister may himself make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Minister.

(2) A closing order made in respect of a room to which this section applies shall not prevent the room being used for purposes other than those of a sleeping place; and, if the occupier of the room after notice of an order has been served upon him fails to comply with the order, an order to comply therewith may, on summary conviction, be made against him.

(3) A closing order made in respect of any room to which this section applies shall not be treated as a closing order in respect of a house for the purposes of the provisions of this Part of this Act relating to demolition orders.

Obstructive Buildings.

Power to local authority to order obstructive buildings to be pulled down.

19.—(1) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(*a*) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(*b*) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

the medical officer of health shall represent to the local authority the particulars relating to such first-mentioned

building (in this Act referred to as "an obstructive building") stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2) Any justice of the peace acting for a district, or the council of a parish in a district, or any four or more local government electors in a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer of health under this section.

(3) The local authority on receiving any such representation shall cause a report to be made to them respecting the circumstances of the building, and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the land on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that the obstructive building shall be pulled down.

(4) Any such order for the pulling down of an obstructive building shall be subject to appeal in like manner as an order of demolition made by the local authority under this Part of this Act.

Compensation for pulling down obstructive buildings.

20.—(1) Where an order of the local authority for pulling down an obstructive building is made under the last preceding section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the land on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same.

(2) For the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this Part of this Act (subject nevertheless to the provisions of this Part of this Act), and for the purpose of the provisions of those Acts this Part of this Act shall be deemed to be the special Act,

and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation of the order.

(3) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(4) The amount of compensation to be paid on the purchase of any lands under this section, or for the pulling down of an obstructive building, shall in case of difference be settled by arbitration, and shall be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator may determine.

(5) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house or other building or manufactory to insist on his entire holding being taken where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house or other building or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(6) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are mentioned in subsection (1) of the last foregoing section of this Act, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of the obstructive building shall be deemed to

be private improvement expenses incurred by the local authority in respect of the building, and the local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts, 1875 to 1907, relating to private improvement expenses and to private improvement rates shall, so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act.

(7) Where the amount to be paid for compensation for the purchase of any land under this section or for the demolition of an obstructive building has been settled otherwise than by arbitration, the power of apportioning the compensation under subsection (4) of this section, or of apportioning any part of the compensation amongst other buildings under subsection (6) of this section, may be exercised by an arbitrator appointed on the application of the local authority by the Minister for this special purpose:

Provided that, if the owner or occupier of any such other building feels aggrieved by the decision of such arbitrator as aforesaid by whom the apportionment is made as to the amount apportioned to the building, the matter shall, on application for the purpose being made by such owner or occupier, be settled by two justices in manner provided by the Lands Clauses Acts in cases where the compensation claimed in respect of land does not exceed fifty pounds.

Provisions as to arbitration.

21.—(1) In all cases in which the amount of any compensation is, in pursuance of this Part of this Act, to be settled by arbitration, the compensation shall be assessed in accordance with the rules set out in Parts II. and III. of the First Schedule to this Act so far as applicable to the case.

(2) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of any building, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in the building to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to the building to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit,

to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

Provisions as to site after building demolished.

22.—(1) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or injurious to health, or which will be an obstructive building within the meaning of this Part of this Act, shall be erected upon the site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this Part of this Act the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may abate or alter the same, and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt:

Provided that any person aggrieved by such an order may appeal to quarter sessions.

(2) Where the land on which the obstructive building is erected is purchased by the local authority they shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this Part of this Act, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by the obstructive building, and may, with the assent of the Minister, and upon such terms as the Minister may think expedient, sell such portion of the site as is not required for the purpose of carrying this Part of this Act into effect.

(3) A local authority may, where they so think fit, dedicate any land acquired by them under the provisions of this Part of this Act relating to obstructive buildings as a highway or other public place.

Enforcement of Provisions of Part I.

Power of Minister on complaint to enforce exercise of powers.

23.—(1) Where a complaint is made to the Minister—

(*a*) as respects any rural district, by the council of the county in which the district is situate, or by the parish council or parish meeting of any parish comprised in the district, or by any justice of the peace acting for the district, or

by any four or more local government electors in the district; or

(*b*) as respects any county district not being a rural district, by the council of the county in which the district is situated, or by any justice of the peace acting for the district, or by any four or more local government electors in the district, or

(*c*) as respects the area of any other local authority, by any justice of the peace acting for a district in that area, or by any four or more local government electors in the area—

that the local authority have failed to exercise their powers under this Part of this Act in cases where those powers ought to have been exercised, the Minister may cause a public local inquiry to be held.

(2) If after holding such an inquiry the Minister is satisfied that there has been such a failure on the part of the local authority, the Minister may declare the authority to be in default, and may make an order directing that authority, within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default.

(3) Where an order originally made under this section on the council of a county district is not complied with by that council, the Minister may, if he thinks fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or to do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(4) Where the Minister makes an order under this section directing a county council to carry out any works or do any other thing, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of this Act or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

56 & 57 Vict. c. 73.

(5) An order made by the Minister under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

(6) An order made by the Minister under this section may be enforced by mandamus.

Powers of Minister as to enforcing orders relating to obstructive buildings, &c.

24.—(1) Where it appears to the Minister that a local authority have failed to give effect to any order as respects an obstructive building, or have failed to cause to be made the inspection of their district required by this Part of this Act, the Minister may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose within a time fixed by the order.

(2) Any order made by the Minister under this section may be enforced by mandamus.

Powers of county councils.

25.—(1) Where as respects any dwelling-house or building in a metropolitan borough or rural district, a representation or complaint has been made or information given to the council of the borough or district (hereinafter in this section referred to as the authority), or the medical officer thereof, by—

(*a*) the medical officer of health, sanitary inspector or other officer of the authority; or

(*b*) any four or more local government electors of the borough or district; or

(*c*) in the case of a rural district by the council of any parish in the district

that the dwelling-house is in a state so dangerous or injurious to health as to be unfit for human habitation, or that the building is an obstructive building; or where a closing order has been made as respects any dwelling-house, in a metropolitan borough or rural district, the authority shall forthwith forward to the council of the county in which the house or building is situate a copy of such representation, complaint, information, or closing order, and shall from time to time report to the county council such particulars as the county council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or house.

(2) Where the county council—

(*a*) are of opinion that a closing order should be made as respects any dwelling-house, or that an order ought to be made for the demolition of any buildings forming or forming part of

any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation made under this Part of this Act; and

(*b*) after reasonable notice, not being less than one month, of such opinion having been given in writing to the authority, consider that the authority have failed to make the closing order, or the order for demolition, or to take steps for pulling down an obstructive building—

the county council may pass a resolution to that effect, and thereupon the powers of the authority as respects the said house and building under this Part of this Act shall be vested in the county council, and if a closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the county council incurred as respects the said house and building, including any compensation paid, shall be a simple contract debt to the county council from the authority.

(3) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as the authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a justice may make the like order for enforcing such admission.

(4) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, information or closing order, a copy of which it is the duty of the district council to forward to the county council under this section.

(5) If any dispute or difference arises between the clerk of a district council and the medical officer of health of a county council under this section, the same shall be referred to the Minister, whose decision shall be final and binding.

(6) If the clerk of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not

otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

Inspection by county medical officer of health.

26. Where a representation is made to the Minister as respects any county district that the local authority have failed to exercise their powers under this Part of this Act, the Minister may direct the county council to instruct the medical officer of health of the county to inspect such district and to report to him as to the exercise of the powers aforesaid by the local authority.

Supplemental.

Appeal against order of local authority to quarter sessions in certain cases. 42 & 43 Vict. c. 49.

27. Where under this Part of this Act there is a right to appeal to quarter sessions against an order of a local authority, no proceedings shall be taken under the order until after the appeal is determined or ceases to be prosecuted; and section thirty-one of the Summary Jurisdiction Act, 1879, respecting appeals from courts of summary jurisdiction to courts of quarter sessions shall apply with the necessary modifications as if the order of the local authority were an order of a court of summary jurisdiction:

Provided that—

(*a*) notice of appeal may be given within one month after notice of the order of the local authority has been served on such person;

(*b*) the court shall, at the request of either party, state the facts specially for the determination of the High Court, in which case the proceedings may be removed into that court.

Private improvement expenses in London.

28. The provisions of the Public Health Acts, 1875 to 1907, relating to private improvement expenses and to private improvement rates shall, for the purposes of this Part of this Act, extend to the administrative county of London, and in the construction of the said provisions, as respects the county of London, any local authority in the county, and as respects the City of London the Common Council, shall be deemed to be the urban authority.

Provisions as to superior landlord.

29.—(1) An owner of any dwelling-house who is not the person in receipt of the rents and profits thereof may give notice to the local authority of his

interest in the house, and thereupon the local authority shall give him notice of any proceedings taken by them in pursuance of this Part of this Act in relation to the house.

(2) If it appears to a court of summary jurisdiction on the application of any owner of a dwelling-house in respect of which a closing order has been made, or of an obstructive building, that owing to the default of any other owner of the house or building in executing any works required to be executed on the house, or in the demolition of the house or building, or in claiming to retain the site of the building, in pursuance of this Part of this Act, the interests of the applicant will be prejudiced, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the house, and within the time fixed by the order to execute the said works, or to demolish the house or building, or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3) A court of summary jurisdiction may in any case by order enlarge the time within which a claim may be made to retain the site of a building.

(4) Before an order is made under this section notice of the application shall be given to the local authority.

Power to authorise superior landlord to enter and execute works.

30.—(1) Where it is proved to the satisfaction of the court, on an application in accordance with rules of court of any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes, that the premises on the land are or are likely to become dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced, the court may make an order empowering the applicant forthwith to enter on the land and within the time fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative underlease shall be determined, subject to such conditions, and to the payment of such compensation, as the court may think just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out, and

may authorise the local authority in whose area the land is situated to exercise such supervision or take such action as may be necessary for the purpose.

(3) For the purpose of this section, "court" means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.

Saving for remedies of owner for breach of covenant, &c.

31. Nothing in this Part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made by a local authority under this Part of this Act; and if any owner is obliged to take possession of any house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

Provisions as to charging orders.

32.—(1) Every charge created by a charging order under this Part of this Act shall be in such form as the Minister may prescribe, and shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—

(*a*) quitrents and other charges incident to tenure, tithe commutation rentcharge, and

(*b*) any charge on the premises created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority, and

(*c*) any charge created under any Act authorising advances of public money;

and where more charges than one are charged under this Part of this Act on any premises such charges shall, as between themselves, take order according to their respective dates.

(2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this Part of this Act directed with reference to or consequent on the obtaining of such an order, or the making of such a charge,

have been duly served, done, and taken, and that the charge has been duly created, and that it is a valid charge on the premises declared to be subject thereto.

(3) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.

(4) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred; and any such transfer may be in such form as the Minister may prescribe.

(5) Any owner of or other person interested in premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Minister.

(6) Every such charging order, if it relates to a house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the premises.

Representations by county medical officer.

33. A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a municipal borough, shall, for the purposes of this Part of this Act, have the like effect as a representation from the medical officer of health of the district.

Local authorities for the purposes of Part I.

34. The local authority for the purposes of this Part of this Act shall, save as otherwise expressly provided in relation to the making and enforcement of byelaws—

(*a*) as respects the City of London, be the Common Council;

(*b*) as respects any other part of the administrative county of London, be the metropolitan borough council;

(*c*) elsewhere, be the borough or urban or rural district council.

PART II.

IMPROVEMENT AND RECONSTRUCTION SCHEMES.

Improvement Schemes.

Duty of local authority to make scheme for improvement of unhealthy area.

35.—(1) Where an official representation is made to a local authority as respects any area in the district of the authority either—

(*a*) that any houses, courts, or alleys within the area are unfit for human habitation, or

(*b*) that the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within the area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the area or of the neighbouring buildings;

and that the most satisfactory method of dealing with the evils connected with such houses, courts, or alleys, and the sanitary defects in the area, is a scheme (hereinafter referred to as an improvement scheme) for the rearrangement and reconstruction of the streets and houses within the area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that the area is an unhealthy area and that an improvement scheme ought to be made in respect of the area, and after passing such a resolution they shall forthwith proceed to make a scheme for the improvement of the area.

(2) Any number of such areas may be included in one improvement scheme.

(3) The provisions of this Part of this Act relating to improvement schemes shall not apply to rural districts.

Official representations.

36.—(1) An official representation for the purposes of the preceding section shall mean a representation made to the local authority by the medical officer of health of that authority, or in London made either by such officer or by any medical officer of health in London.

(2) A medical officer of health shall make such a representation whenever he sees cause to make the same; and if any justice of the peace acting within the district, or any four or more local government electors in the district, complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect the area and to make a report stating the facts of the case, and whether in his opinion the said area or any part thereof is or is not an unhealthy area, and if he considers the case one proper for making an official representation shall make such a representation.

Reconstruction Schemes.

Duty of local authority to make reconstruction schemes.

37. In any of the following cases—

(*a*) where an order for the demolition of a building has been made in pursuance of Part I. of this Act and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring houses if the area of which such building forms part were used for all or any of the following purposes,—

(i) dedicated as a highway or open space, or

(ii) appropriated, sold, or let for the erection of houses for the working classes, or

(iii) exchanged with other neighbouring land which is more suitable for the erection of such houses, and which on exchange will be appropriated, sold, or let for such erection; or

(*b*) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings,

and that the most satisfactory method of dealing with the said evils is by the demolition or the reconstruction or re-arrangement of the said buildings or of some of them, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with by an improvement scheme;

the local authority shall pass a resolution to the above effect and direct a scheme (hereinafter referred to as a reconstruction scheme) to be prepared for the improvement of the said area.

Provisions as to Improvement and Reconstruction Schemes.

Requisites for improvement and reconstruction schemes.

38.—(1) An improvement or reconstruction scheme of a local authority shall be accompanied by maps, particulars, and estimates, and—

(*a*) may exclude any part of the area in respect of which the resolution was passed or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient; and

(*b*) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and

(*c*) shall provide for proper sanitary arrangements; and

(*d*) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme.

(2) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3) The scheme may also provide for the scheme or any part thereof being carried out and effected under the superintendence and control of the local authority by

any person having such interest in any property comprised in the scheme as may be sufficient to enable him to carry out and effect the same upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

(4) Where by or in consequence of an improvement or reconstruction scheme persons of the working classes in the area affected by the scheme will be displaced, the scheme shall, if the Minister so requires (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of such persons so displaced in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the Minister on a report made by the officer conducting the local inquiry hereinafter mentioned may require.

(5) A local authority may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

Publications of notices, &c.

39. As soon as an improvement or reconstruction scheme has been prepared the local authority shall forthwith—

(*a*) publish, in a newspaper circulating within the district of the local authority, an advertisement stating the fact of such a scheme having been made, the limits of the area comprised therein, and naming a place within that area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

(*b*) serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier (except tenants for a month or a less period than a month) of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of such a scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands.

Confirmation of improvement and reconstruction schemes.

40.—(1) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition to the Minister praying that an order may be made confirming such scheme.

(2) The petition shall be accompanied by a copy of the scheme, and shall state the names of any owners or reputed owners, or lessees or reputed lessees, who have dissented in respect of the taking of their lands, and shall be supported by such evidence as the Minister may from time to time require.

(3) The Minister after considering the petition may cause a local inquiry to be held, and, if satisfied on the report thereon that the circumstances are such as to justify the making of the scheme and that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications, would be beneficial to the health of the inhabitants of the area in question or of the neighbouring dwelling-houses, may by order confirm the scheme with or without such conditions or modifications, so however that no addition shall be made to the lands proposed in the scheme to be taken compulsorily.

(4) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the land comprised in the area shall be acquired within three years after the date of the making of the order:

Provided that the amount of compensation shall, in case of difference, be settled by arbitration as hereinafter provided, and that the Lands Clauses Acts as so incorporated shall have effect subject to the provisions of the Second Schedule to this Act.

(5) The order of the Minister when made shall have effect as if enacted in this Act.

(6) It shall be the duty of the local authority to serve a notice of any order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Part of this Act to be served.

Provisions as to costs.

41.—(1) The Minister may make such order as he thinks fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges and expenses properly incurred by him in opposing such scheme.

(2) All costs, charges, and expenses incurred by the Minister in relation to any order under the last preceding section shall, to such amount as the Minister thinks proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the Minister in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Part of this Act, and shall be paid to the Minister and to such person respectively in such manner and at such times and either in one sum or by instalments as the Minister may order, with power for the Minister to direct interest to be paid at such rate not exceeding five pounds per centum per annum as the Minister may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

(3) Any order made by the Minister in pursuance of this section may be made a rule of the High Court, and be enforced accordingly.

Execution of Improvement and Reconstruction Schemes.

Duty of local authority to carry scheme when confirmed into execution.

42.—(1) When an order confirming any improvement or reconstruction scheme of a local authority has been made by the Minister, it shall be the duty of the local authority to take steps for purchasing the land required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable:

Provided that the local authority shall not be required to acquire any leasehold interest in any property comprised in a scheme which can be allowed to expire without unduly delaying the execution of the scheme.

(2) The local authority may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose, and under the condition, that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the

scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions—

(*a*) binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the premises thereon; and

(*b*) prohibiting the division of such premises, and any addition to or alteration of the character of such premises without the consent of the local authority; and

(*c*) for the revesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of the scheme into effect upon such terms as the local authority may think expedient.

(4) The local authority shall not themselves, without the express approval of the Minister, undertake the rebuilding of any premises or the execution of any part of the scheme, except that they may take down any or all of the premises upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets repairable by the same authority as other streets in the district.

(5) The local authority shall, in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwelling-houses for the working classes, impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(6) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with any person, being a person having such interest in any land comprised in the scheme as may be sufficient to enable him to do so, for the carrying of the scheme into effect by him in respect of such land.

(7) Where any premises or any part of any premises purchased by the local authority in pursuance of a scheme are not closed by a closing order, and are occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such premises or part for the purpose of pulling down the premises, may make to the said tenant a reasonable allowance on account of his expenses in removing.

Completion of scheme on failure by local authority.

43.—(1) If within five years after the removal of any buildings on the land set aside by any improvement or reconstruction scheme confirmed under this Part of this Act as sites for dwelling-houses for the working classes the local authority have failed to sell or let the land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of such houses, the Minister may order the land to be sold.

(2) The order shall require the land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme and to any modifications thereof which may be made in pursuance of this Part of this Act, and to a special condition on the part of the purchaser to erect upon the land houses for the working classes in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the Minister may deem necessary.

Power of Minister to modify confirmed scheme.

44. The Minister, on the application of the local authority, and on its being proved to his satisfaction that an improvement can be made in the details of any improvement or reconstruction scheme confirmed under this Part of this Act, may permit the local authority to modify any part of the scheme either by the abandonment of any part thereof which it may appear inexpedient to carry into execution, or by amending or adding to the scheme in matters of detail in such manner as appears to him expedient, but any part of the scheme respecting the provision of dwelling-houses for the working classes, when so modified, shall be such as might have been inserted in the original scheme.

Extinction of rights of way and

45. Upon the purchase by the local authority of any land required for the purpose of carrying into effect any improvement or reconstruction scheme under this Part

of this Act, all rights of way, rights of laying down or continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall, save as hereinafter provided, be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919: other easements. 9 & 10 Geo. 5. c. 57.

Provided that any such scheme may, with the consent of the person or body of persons entitled to any such right or easement, provide for any exceptions, restrictions, or modifications in the application of this section to that right or easement, and this section shall take effect subject to any such exceptions, restrictions, or modifications.

Provisions as to Compensation.

46.—(1) Where land included in any improvement or reconstruction scheme made under this Part of this Act or the corresponding provisions of any Act repealed by this Act (other than land included in such a scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of the premises thereon or of those premises being dangerous or prejudicial to health) is acquired compulsorily, the compensation to be paid for the land, including any buildings thereon, shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district: Provisions as to assessment of compensation.

Provided that, if in the opinion of the Minister it is necessary that provision should be made by the scheme for the re-housing of persons of the working classes on the land or part thereof when cleared, or that the land or a part thereof when cleared should be laid out as an open space, the compensation payable to all persons interested in any land included in the scheme (other than as

aforesaid) for their respective interests therein shall be reduced by an amount ascertained as follows :—

(*a*) the value of the whole of the land included in the scheme shall first be ascertained on the basis of its value as a cleared site available for development in accordance with the requirements of the building byelaws in force in the district;

(*b*) the value of the whole of the said land shall next be ascertained on the basis of its value as a cleared site subject to the requirements of the scheme as to the provision to be made for the re-housing of persons of the working classes or the laying out of open spaces on the land or any part thereof;

(*c*) the difference between the amounts ascertained under paragraphs (*a*) and (*b*) shall then be computed;

(*d*) the amount by which the compensation payable for the respective interests in the land to which the foregoing provisions of this section apply, as ascertained in accordance with the principle laid down in those provisions, is to be reduced shall be a fraction thereof equal to the amount arrived at under paragraph (*c*) when divided by the amount arrived at under paragraph (*a*).

(2) Subject as aforesaid, the compensation to be paid for such land shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) In the case of land and premises included in an improvement or reconstruction scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of the premises thereon, or of those premises being dangerous or prejudicial to health, the compensation to be paid shall be assessed in accordance with the rules contained in Part I. of the First Schedule to this Act.

Provisions as to licensed premises included in schemes.

47. Where the land included in an improvement or reconstruction scheme, whether made before or after the passing of this Act, comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect :—

(1) The local authority by whom the scheme is made may undertake that in the event of the

renewal of the licence being refused they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the local authority in pursuance of such undertaking shall be treated as part of their expenses in carrying out the scheme: 10 Edw. 7. c. 24.

(2) Where the local authority acquire the premises in pursuance of the scheme and the local authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that if the licence had not been surrendered it might properly have been dealt with as a redundant licence, or that when the proposed scheme had been carried out it would have become a licence which might have been so dealt with, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the acquisition of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Enforcement of Provisions of Part II.

Inquiry by Minister on complaint of default of medical officer.

48.—(1) Where in any district complaint has been made to a medical officer of health of the unhealthiness of any area within that district by any person or persons competent under the foregoing provisions of this Part of this Act to make such a complaint, and the medical officer of health has failed to inspect such area or to make an official representation with respect thereto, or has made a report to the effect that in his opinion the area is not an unhealthy area, the complainant or complainants, as the case may be, or any four or more local government electors in the district, may apply to the Minister, and the Minister may appoint any inspector or officer of the Ministry of Health or other person employed by him to inspect the area, and to make representation to him stating the facts of the case, and

whether, in his opinion, the area or any part thereof is or is not an unhealthy area.

The representation so made shall be transmitted by the Minister to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

(2) The Minister shall make such order as to the costs of the inquiry as he may think just, with power to require the whole or any part of such costs to be paid by the appellants where the person appointed to make the inspection is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3) Any order made by the Minister in pursuance of this section may be made a rule of the High Court, and be enforced accordingly.

Inspection by county medical officer of health.

49. Where a representation is made to the Minister as respects any county district that the local authority have failed to exercise their powers under this Part of this Act, the Minister may direct the county council to instruct the medical officer of health of the county to inspect the district and to make a report to the Minister as to the exercise of the powers aforesaid by the local authority.

Inquiry by Minister on refusal of local authority to make an improvement scheme.

50.—(1) Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the Minister, and, upon the receipt thereof, the Minister may direct a local inquiry to be held, and a report to be made to him with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the Minister may desire to be informed.

(2) If, on the report made to the Minister on an inquiry directed by him under this section, he is satisfied that a scheme ought to have been made for the improvement of the area to which the inquiry relates, or of some

part thereof, he may, if he thinks fit, order the local authority to make either an improvement or a reconstruction scheme as he may think fit, and to do all things necessary under this Act for carrying into execution the scheme so made, and the local authority shall accordingly make a scheme or direct a scheme to be prepared as if they had passed the resolution required under this Part of this Act in relation to the scheme in question, and do all things necessary under this Act for carrying the scheme into effect.

(3) Any such order of the Minister may be enforced by mandamus.

Power of Minister to order schemes, &c. to be carried out within a limited time.

51.—(1) Where it appears to the Minister that a local authority have failed to perform their duty under this Act of carrying out any scheme made under this Part of this Act, the Minister may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose under this Act within a time fixed by the order.

(2) Any order made by the Minister under this section may be enforced by mandamus.

Power of Minister to order schemes to be made

52.—(1) Without prejudice to any other powers for enforcing the provisions of this Part of this Act, where the Minister is satisfied that any area within the district of a local authority is an area in respect of which the local authority ought to exercise their powers under this Part of this Act, the Minister may by order require the local authority to make either an improvement scheme or a reconstruction scheme under this Part of this Act for the improvement of that area and to do all things necessary under this Act for carrying into execution the scheme so made.

(2) If the local authority fail within such time as may be prescribed by the order to make an improvement or reconstruction scheme to the satisfaction of the Minister, and to carry the scheme into execution, the Minister may either by order empower the county council to make and carry out a scheme, or himself make and take such steps as may be necessary to carry out a scheme.

(3) Where the Minister makes an order under this section, the order may, for the purpose of enabling the

county council to give effect to the order, apply any of the provisions of this Act or section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear necessary or expedient:

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

(3) Where the Minister himself makes and carries out a scheme, he shall for that purpose have all the powers of a local authority under this Part of this Act, and this Act shall, with the necessary modifications and adaptations, apply accordingly; and any expenses incurred by the Minister in the exercise of such powers as aforesaid shall in the first instance be paid out of moneys provided by Parliament; but the amount certified by the Minister to have been so expended and to be properly payable by the local authority shall, on demand, be paid to the Minister by the local authority, and shall be recoverable as a debt due to the Crown.

Supplemental.

Power to authorise superior landlord to enter and execute works.

53.—(1) Where it is proved to the satisfaction of the Court, on an application in accordance with rules of court of any person entitled to any interest in any land used in whole or in part as a site for dwelling-houses for the working classes, that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate, the court may make an order empowering the applicant forthwith to enter on the land and within the time fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative underlease shall be determined,

subject to such conditions and to the payment of such compensation as the court may think just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose area the land is situated or which has approved a scheme of improvement or reconstruction under this section, to exercise such supervision or take such action as may be necessary for the purpose.

(3) For the purposes of this section "court" means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.

Power to acquire in advance lands in areas proposed for inclusion in schemes.

54. Where a local authority have passed a resolution that an improvement or reconstruction scheme ought to be made in respect of any area, the local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire by agreement any lands included within the area, notwithstanding that the scheme may not at the time of acquisition have been made by the local authority or confirmed by the Minister.

Power of London County Council to acquire additional land by agreement.

55. In the case of an improvement scheme prepared by the London County Council under this Part of this Act or the corresponding provisions of any Act repealed by this Act, where for the purpose of improving or adding to the area included in the scheme the council find it expedient to acquire any additional land adjoining the area, it shall be lawful for the council, with the consent of the Minister, to purchase such additional land by agreement.

Local authorities for the purposes of Part II.

56.—(1) The local authority for the purposes of this Part of this Act, shall—

(*a*) as respects the city of London, be the Common Council;

(*b*) as respects any other part of the administrative county of London, be both the London County Council and the metropolitan borough council;

(*c*) elsewhere, be the borough or district council:

Provided that a rural district council shall not be a local authority for the purposes of the provisions of this Part of this Act relating to improvement schemes,

and that as respects the county of London the provisions hereinafter contained shall have effect for determining whether in any particular case the London County Council or the metropolitan borough council shall be the local authority to act in the matter.

(2) Where an official representation or proposed scheme relates to not more than ten houses, the metropolitan borough council, to the exclusion of the London County Council, shall be the local authority, and accordingly where an official representation relating to not more than ten houses is made to the London County Council, the county council shall direct the medical officer of health to make representations to the council of the metropolitan borough in which the houses are situate, and it shall thereupon be the duty of the borough council to deal with the case by means of an improvement or reconstruction scheme in manner provided by this Part of this Act.

(3) Where in relation to any area—

(*a*) an official representation has been made, or proposals for a reconstruction scheme have been submitted, to the London County Council in relation to any area, and that council resolve that the case is not one of general importance to the county of London and should be dealt with by the metropolitan borough council in which the area is situate; or

(*b*) an official representation has been made, or proposals for a reconstruction scheme have been submitted, to a metropolitan borough council, and that council resolve that the case is one of such general importance to the county of London that it should be dealt with by the London County Council:

the county council or borough council, as the case may be, may submit the resolution to the Minister, and thereupon the Minister may appoint an arbitrator and direct him to hold a local inquiry.

The arbitrator shall hold such an inquiry and report to the Minister as to whether having regard to the size of the area and the number of houses to be dealt with, the position, structure and sanitary condition of the houses and of the neighbourhood thereof, the case is

wholly or partially, of any and of what importance to the county of London; and the arbitrator shall have power to report that in the event of the case being dealt with by the London County Council the metropolitan borough council ought to make a contribution with respect to the expenses of dealing with the case, or, as the case may be, that in the event of the case being dealt with by the metropolitan borough council, the London County Council ought to make a contribution with respect to the expenses of dealing with the case.

The Minister, after considering the report of the arbitrator, may decide that the case shall be dealt with either by the London County Council or by the metropolitan borough council, and whether any and what contribution should be made by the one council to the other, and the medical officer of health, or other proper officer, shall forthwith make the representation necessary for the case to be dealt with in accordance with such decision.

(4) The London County Council and the Common Council of the City of London may at any time enter into an agreement for carrying out any improvement scheme for the purposes of this Part of this Act, and for the apportionment of the expenses incurred in carrying out the scheme.

PART III.

PROVISION OF HOUSES FOR THE WORKING CLASSES.

General Powers of Local Authorities.

Provision of housing accommodation for working classes.

57.—(1) A local authority may provide housing accommodation for the working classes—

(*a*) by the erection of dwelling-houses on any land acquired or appropriated by them;

(*b*) by the conversion of any buildings into dwelling-houses for the working classes;

(*c*) by acquiring houses suitable for the purpose;

(*d*) by altering, enlarging, repairing, or improving any houses or buildings on land acquired as a site for the erection of dwelling-houses for the working classes, or any other houses an estate or interest wherein has been acquired by the local authority.

Except where the local authority is a rural district council, any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

(2) The local authority may alter, enlarge, repair or improve any house so erected, converted, or acquired, and may fit out, furnish and supply any such house with all requisite furniture, fittings, and conveniences.

(3) A local authority may for the purposes of this Part of this Act, exercise the same powers, whether of contract or otherwise, as in the execution of their duties under the Public Health Acts, or, in the case of the London County Council, under the Metropolis Management Acts, 1855 to 1893, or, in the case of the Common Council of the City of London, under the City of London (Sewers) Acts, 1848 to 1897.

(4) For the purpose of this Part of this Act "provision of housing accommodation" includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

Purposes for which land may be acquired by a local authority.

58.—(1) A local authority shall have power under this Part of this Act—

(*a*) to acquire any land, including any houses or other buildings thereon, as a site for the erection of dwelling-houses for the working classes;

(*b*) to acquire any estate or interest in any houses which may be made suitable as dwelling-houses for the working classes, together with any lands occupied with such houses;

(*c*) to acquire land for the purpose of—

(i) the lease or sale of the land, under the powers conferred by this Act, with a view to the erection thereon of dwelling-houses for the working classes by persons other than the local authority;

(ii) the lease or sale under the powers conferred by this Act of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for or incidental to the development of the land as a building estate, including the provision, maintenance, and improvement of

houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings for or for the convenience of persons belonging to the working classes and other persons.

(2) Subject to the consent of the Minister and to such conditions as he may prescribe, a local authority may, for the purposes of this Part of this Act, acquire by agreement (but not otherwise), or contract for a lease to them of, dwelling-houses suitable for the working classes, whether built at the date of the contract or intended to be built thereafter.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire land by agreement (but not otherwise) for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes.

Powers of dealing with land acquired.

59.—(1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the authority may—

(*a*) lay out and construct public streets or roads and open spaces on the land;

(*b*) with the consent of the Minister sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of dwelling-houses suitable for the working classes as may be fixed by the local authority in accordance with plans approved by them, and when necessary will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the local authority, are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the local authority, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons;

(*c*) with the consent of the Minister sell the land or exchange it for land better adapted for those

purposes, either with or without paying or receiving any money for equality of exchange;

(*d*) with the consent of the Minister sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose either in regard to the maintenance of the houses as dwelling-houses for the working classes or otherwise in regard to the use of the houses, and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.

(2) Where a local authority under this section sell or lease land, the local authority may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

(3) Land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed, and any capital money received in respect of any transaction under this section shall be applied in or towards the purchase of other land for the purposes of this Part of this Act, or with the consent of the Minister to any purpose, including the repayment of borrowed money, to which capital money may be properly applied.

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

Schemes for the provision of Houses for the Working Classes.

Duty of local authority to prepare housing schemes.

60.—(1) It shall be the duty of every local authority to consider the needs of their area with respect to the provision of housing accommodation for the working classes, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister a scheme for the exercise of their powers under this Part of this Act.

(2) A scheme under this section shall specify—

(*a*) the approximate number and the nature of the houses to be provided by the local authority;

(*b*) the approximate quantity of land to be acquired and the localities in which land is to be acquired;

(*c*) the average number of houses per acre;

(*d*) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential and supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purpose of the scheme.

(3) The Minister may approve any such scheme or any part thereof without modification or subject to such modifications as he may think fit, and the scheme or part thereof when so approved shall be binding on the local authority; but if the Minister considers the scheme inadequate he may refuse to approve the scheme and require the authority to prepare and submit to him an adequate scheme within such time as he may fix, or he may approve the scheme or part thereof subject to the condition that the authority prepare and submit to him a further scheme within such time as he may fix:

Provided that local authorities in preparing, and the Minister in approving, any scheme shall take into account, and so far as possible preserve, existing erections of architectural, historic, or artistic interest, and shall have regard to the natural amenities of the locality, and, in order to secure that the houses proposed to be built under the scheme shall be of a suitable architecture and that the natural amenities of the locality shall not be unnecessarily injured, the Minister may, in any case where it appears to him that the character of the locality renders such a course expedient, require as a condition of his approval the employment by the local authority of an architect to be selected from a panel of architects nominated for the purpose by the Royal Institute of British Architects.

(4) Before the Minister finally approves a scheme, the local authority shall furnish to him estimates of the cost of the scheme and of the rents expected to be derived from the houses provided under the scheme.

(5) If the Minister considers as respects any local authority that an occasion for the preparation of a new scheme has arisen, he shall give notice to that effect to the local authority, and thereupon such an occasion shall be deemed to have arisen.

(6) Where the local authorities concerned or the Minister are of opinion that a scheme should be made affecting the areas of two or more local authorities, such a scheme shall be prepared by the local authorities jointly and the local authority of each area to which any part of any such joint scheme applies may, or, if the Minister after giving the local authority an opportunity of being heard so directs, shall carry out that part of the joint scheme, and for the purposes of this subsection "local authority" shall, in any case where the Minister consents and subject to any conditions which he may prescribe, include a county council.

(7) Local authorities in preparing, and the Minister in approving, schemes shall make inquiry respecting and take into account any proposals by other bodies and persons to provide housing accommodation.

Duty of local authority to carry out scheme.

61. It shall be the duty of a local authority on which obligations are imposed by any such scheme to carry that scheme into effect within such time as may be specified in the scheme or within such further time as may be allowed by the Minister.

Execution of works, &c., by local authority outside its own area.

62. Where any such scheme is being carried into effect by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the scheme, subject to entering into agreements with the council of the county or district in which the scheme is being carried out as to the terms and conditions on which any such works are to be executed.

Acquisition and appropriation of Land.

Power to acquire land by agreement.

63. Land for the purposes of this Part of this Act may be acquired by a local authority by agreement in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act, so far as they relate to the purchase of land by agreement, shall apply accordingly, and shall for the

purposes of this Part of this Act extend to London in like manner as if the Common Council of the City of London, the London County Council and a metropolitan borough council respectively were a local authority in the said sections mentioned.

Power to acquire land compulsorily.

64. A local authority may be authorised to purchase land compulsorily for the purposes of this Part of this Act, by means of an order submitted to the Minister and confirmed by him in accordance with the Third Schedule to this Act:

Provided that nothing in this Act shall authorise the compulsory acquisition for the purposes of this Part of this Act of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any house.

Power to appropriate land.

65. A local authority may, with the consent of the Minister, appropriate, for the purposes of this Part of this Act, any houses or land which may be for the time being vested in them, or at their disposal, subject as respects land vested in them for educational purposes to the provisions of section one hundred and fourteen of the Education Act, 1921.

11 & 12 Geo. 5. c. 51.

Power of trustees, &c., to sell land to local authority.

66.—(1) The trustees of any dwelling-houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the houses to the local authority of the district, or make over to them the management thereof.

(2) The Commissioners of Woods may under and in accordance with the provisions of the Crown Lands Acts, 1829 to 1906, sell or let to a local authority for the purposes of this Part of this Act any part of the land described on the duplicate plans which have been deposited with the Clerk of Parliaments and the Clerk of the House of Commons, notwithstanding that such land may be part or parcel of a royal park, if the Minister, after holding a local inquiry, is satisfied that the acquisition of the land by the local authority for such purposes as aforesaid is desirable in the national interest.

Management of Houses provided by Local Authority.

Management vested in local authority.

67.—(1) The general management, regulation, and control of the dwelling-houses provided by a local authority under this Part of this Act or any Act repealed by this Act shall be vested in and exercised by the local authority.

(2) The local authority may make such reasonable charges for the tenancy or occupation of the dwelling-houses so provided as they may by regulations determine.

Byelaws for regulation of houses.

68.—(1) The local authority may make byelaws for the management, use, and regulation of dwelling-houses provided by them.

(2) The local authority shall as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws, make sufficient provision for the following purposes:—

(*a*) for securing that the lodging houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority;

(*b*) for securing the due separation at night of men and boys above eight years old from women and girls;

(*c*) for preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances;

(*d*) for determining the duties of the officers, servants and others appointed by the local authority;

and a printed copy or sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.

(3) The provisions of sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, or of section one hundred and fourteen of the Public Health (London) Act, 1891, as the case may be, shall apply to byelaws under this section.

38 & 39 Vict. c. 55.
54 & 55 Vict. c. 76.

(4) Any fine for the breach of any such byelaw shall be recoverable summarily and shall (subject to the provisions of section five of the Criminal Justice Administration Act, 1914), be paid to the credit of the fund or rate out of which the expenses of this Part of this Act are defrayed.

4 & 5 Geo. 5. c. 58.

69. A dwelling-house provided in any district under this Part of this Act or any Act repealed by this Act shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority. Inspection of houses.

Provision of Houses by Public Utility Societies and other Persons.

70.—(1) A local authority within the meaning of this Part of this Act, or a county council, may promote the formation or extension of, or, subject to the provisions of this Act, assist, a public utility society whose objects include the erection, improvement, or management of dwelling-houses for the working classes. Powers of promoting and assisting public utility societies.

(2) Where such a society is desirous of erecting dwelling-houses for the working classes, which in the opinion of the Minister are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing the same to the society, the county council, on the application of the society, may for this purpose acquire land and exercise all the powers of a local authority under this Part of this Act in regard to the acquisition and disposal of land, and the provisions of this Part of this Act as to the acquisition of land by local authorities shall apply accordingly.

(3) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Minister, may, for the assistance of such a society—

(*a*) make grants or loans to the society;

(*b*) subscribe for any share or loan capital of the society;

(*c*) guarantee or join in guaranteeing the payment of interest on money borrowed by the society or of any share or loan capital issued by the society,

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or council think fit, and notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or county council assist such a society under this subsection, the local authority or council shall not be 56 & 57 Vict. c. 39.

prevented from having or claiming an interest in the shares of the society exceeding two hundred pounds.

Powers to companies, &c., to provide houses for working classes.

71. Any railway company, or dock or harbour company or any other company, society, or association established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose and to pay for out of any funds at their disposal), houses for the accommodation of all or any of the persons of the working class employed by them.

Power of county councils, &c. to provide houses for their employees.

72.—(1) A county council shall have power to provide dwelling-houses for persons in the employment of or paid by the council or a statutory committee thereof, and for that purpose a county council may be authorised to acquire or appropriate land in like manner as a local authority may be authorised to acquire or appropriate land for the purposes of this Part of this Act.

(2) This section shall apply to an asylums board as it applies to county councils.

Enforcement of Provisions of Part III.

Power of Minister on complaint to enforce exercise of powers.

73.—(1) Where a complaint is made to the Minister—

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

(*b*) as respects any county district, not being a rural district, by the council of the county in which the district is situated, or by any justice of the peace acting for the district or by any four or more local government electors in the district; or

(*c*) as respects the area of any other local authority by any justice of the peace acting for the area or by any four or more local government electors in the area;

that the local authority have failed to exercise their powers under this Part of this Act in cases where those powers ought to have been exercised, the Minister may cause a public local inquiry to be held, and if, after holding such an inquiry, the Minister is satisfied that there has been such a failure on the part of the local authority, he may declare the authority to be in default, and may make an order directing that authority within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default.

(2) Before deciding that a local authority have failed to exercise their powers under this Part of this Act, the Minister shall take into consideration the necessity for further accommodation for the housing of the working classes in the district, the probability that the required accommodation will not be otherwise provided, and the other circumstances of the case, and whether, having regard to the liability which will be incurred by the rates, it is prudent for the local authority to undertake the provision of such accommodation.

(3) Where an order originally made under this section on the council of a county district is not complied with by that council, the Minister may, if he thinks fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(4) Where the Minister makes an order under this section directing a county council to carry out any works or do any other thing, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of this Act or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(5) An order made by the Minister under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

(6) Any order made by the Minister under this section may be enforced by mandamus.

Power to authorise county council to act in place of local authority.

74.—(1) Where the Minister is satisfied that a local authority have failed or are not prepared to fulfil their obligations as to the preparation of schemes under this Part of this Act, or their obligations under any such scheme, or that for any other reason it is desirable that any such obligation should be performed by the county council instead of by the local authority, the Minister, after considering the circumstances of the case and giving the local authority and the county council an opportunity of being heard, may, if he thinks fit, by order, transfer to the council of the county in which the district of the local authority is comprised the obligation to prepare and carry out a scheme, or to carry out in whole or in part the provisions of a scheme prepared by the local authority.

(2) Where the Minister makes an order under this section, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of this Act or section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear necessary or expedient:

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

(3) This section shall apply in cases where a joint scheme has been, or in the opinion of the Minister ought to be, prepared with the substitution of references to the local authorities concerned and their districts for references to the local authority and the district of the local authority.

Power of Minister to act in place of the local authority.

75.—(1) Where the Minister is satisfied that a local authority, or, in cases where any powers or duties of a local authority have been transferred to a county council such council, or, in cases where a joint scheme has been,

or in the opinion of the Minister should be prepared, the local authorities concerned have failed to fulfil their obligations as to the preparation of schemes under this Part of this Act or their obligations under any such schemes, the Minister may after considering the circumstances of the case, and after giving the local authority, authorities, or county council an opportunity of being heard, himself prepare and carry out a scheme or take such steps as may be necessary to carry out any scheme prepared by the local authority or council, or by two or more local authorities jointly, and shall for that purpose have all the powers of a local authority under this Part of this Act, and this Act shall, with the necessary modifications and adaptations, apply accordingly.

(2) Any expenses incurred by the Minister in the exercise of such powers as aforesaid shall in the first instance be paid out of moneys provided by Parliament, but the amount certified by the Minister to have been so expended, and to be properly payable by a local authority, shall on demand be paid to the Minister by the local authority and shall be recoverable as a debt due to the Crown.

Power of county council to act in default of rural district council

76. Where a complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for that district or by any four or more local government electors in that district that the rural district council have failed to exercise their powers under this Part of this Act in cases where those powers ought to have been exercised, the county council may cause a public local inquiry to be held, and if, after holding such an inquiry, the county council are satisfied that the rural district council has so failed, the county council may resolve that the powers of the district council for the purpose of this Part of this Act be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Power of county council to

77.—(1) Where the council of a county are of opinion that for any reason it is expedient that the

exercise powers of rural district council.

council should exercise, as respects any rural district in the county, any of the powers of a local authority under this Part of this Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Minister for an order conferring such powers on them.

(2) Upon such an application being made, the Minister may make an order conferring on the county council, as respects the rural district, all or any of the powers of a local authority under this Part of this Act, and thereupon the provisions of this Act relating to those powers (including those enabling the Public Works Loan Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under this Part of this Act.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

Supplemental.

Sale, &c., of land for housing purposes by tenants for life and corporations.

78.—(1) A tenant for life shall have such power of selling, granting, exchanging and leasing land for the purposes of the erection thereon of dwelling-houses for the working classes as are conferred upon him by the Settled Land Acts, 1882 to 1890, as amended by any subsequent enactment, and capital money arising under those Acts may be expended on the provision of dwelling-houses available for the working classes in the manner and subject to the conditions provided by those Acts as so amended.

(2) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwelling-houses for the working classes at such price, or for such consideration, or for such rent, as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Power to water and gas companies to supply water and gas to houses.

79. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit.

Local authority for the purposes of Part III.

80.—(1) The local authority for the purposes of this Part of this Act shall—

(*a*) as respects the City of London, be the Common Council;

(*b*) as respects any other part of the administrative county of London, be the London County Council or the metropolitan borough council as hereinafter provided;

(*c*) elsewhere be the council of the borough or urban or rural district.

(2) For determining whether in any case the London County Council or the metropolitan borough council is to be the local authority for the purposes of this Part of this Act the following rules shall have effect—

(*a*) the London County Council shall be the local authority for the county, to the exclusion of any other authority, so far as regards the provision of any houses outside the administrative county of London;

(*b*) a metropolitan borough council shall be the local authority for the metropolitan borough, to the exclusion of any other authority, so far as regards the provision of houses within the metropolitan borough:

Provided that—

(i) nothing in this section shall prejudice or affect the rights, powers and privileges of the London County Council in regard to any lands, buildings, or works acquired, provided or carried out by the county council before the thirty-first day of July, nineteen hundred and nineteen; and

(ii) where the London County Council are satisfied that there is situate within the area of a metropolitan borough land suitable for development for housing, the county council may submit a scheme for the approval of the Minister for the development of such land to meet the needs of districts situate outside the area of such borough, and the county council may carry into effect any scheme which is so approved, and such approval shall have the like effect as if it had been given under section sixty of this Act;

(*c*) The Minister may by order direct that any of the powers or duties of a metropolitan borough council under this Part of this Act shall be transferred to the London County Council, or that any of the powers or duties of the London County Council under this Part of this Act shall be transferred to a metropolitan borough council.

(3) The London County Council and the Common Council of the City of London may at any time enter into an agreement for carrying out any scheme for the purpose of this Part of this Act, and for the apportionment of the expenses incurred in carrying out such scheme.

PART IV.

FINANCIAL PROVISIONS.

Expenses of Local Authorities.

Expenses of local authorities under Parts I., II. and III.

81.—(1) Subject to the provisions of this Act, all expenses incurred by a local authority in the execution of Parts I., II. and III. of this Act shall be defrayed, in the case of the London County Council as expenses for special county purposes, in the case of the Common Council of the City of London or of a metropolitan borough council as part of the general expenses of the council, and in any other case as part of the expenses of the council in the execution of the Public Health Acts.

(2) Any expenses incurred by a rural district council under Parts I. or II. of this Act shall be charged as special expenses on the contributory place in respect of which they are incurred.

The expenses incurred by a rural district council under Part III. of this Act shall be defrayed as general expenses, but the Minister may, on the application of the council, declare that any expenses incurred by the council under that Part are to be levied as special expenses charged on specified contributory places, or as general expenses charged on specified contributory places, in the district, in such proportions as the council may determine, to the exclusion of other parts of the district:

Provided that the council shall give notice to the overseers of any contributory place proposed to be charged of any apportionment made by them under this section, and the overseers, if aggrieved by the apportionment, may appeal to the Minister by giving notice of appeal to the Minister within twenty-one days after notice has been so given of the apportionment.

Special provisions as to London.

82.—(1) The council of a metropolitan borough may, if they think fit, pay or contribute towards the payment of any expenses incurred by the London County Council in carrying into effect an improvement or reconstruction scheme made by the county council under Part II. of this Act; and where the London County Council consider that any expenses incurred by them in carrying into effect such a scheme, or a contribution in respect of such expenses, ought to be paid or made by a metropolitan borough council, and the metropolitan borough council do not agree to pay such expenses or make such contribution, the London County Council may apply to the Minister, and the Minister, if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the metropolitan borough council ought to pay, or make a contribution in respect of, the said expenses, the Minister may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the metropolitan borough council to the county council.

(2) The London County Council may, if they think fit, pay or contribute to the payment of the expenses incurred by a metropolitan borough council carrying into effect an improvement or reconstruction scheme made by the borough council under Part II. of this Act, and if a metropolitan borough council consider that any expenses incurred by them in carrying into effect any such

scheme, or a contribution in respect of those expenses, ought to be paid or made by the county council, and the county council do not agree to pay such expenses or make such contribution, the metropolitan borough council may apply to the Minister, and if the Minister is satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the county council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the county council to the metropolitan borough council.

(3) Any payment or contribution agreed or ordered to be made under the last two foregoing subsections of this section may be made either by means of a payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Expenses of county councils.

83. All expenses under this Act of a county council (other than those of the London County Council when acting in their capacity of local authority under this Act) shall be defrayed as expenses for general county purposes, or as expenses for special county purposes as the case may require:

Provided that any expenses incurred by a county council, including the London County Council, under sections seventy and ninety-two of this Act shall be defrayed as expenses for general county purposes.

Borrowing by Local Authorities.

Power of local authorities to borrow for purposes of Act.

84.—(1) Subject to the provisions of this Act, a local authority may borrow—

(*a*) for the purposes of Part I. of this Act, so far as it relates to the execution of repairs and works by local authorities, and to compensation payable for or in respect of obstructive buildings;

(*b*) for the purposes of Part II. and Part III. of this Act;

(*c*) for the purposes of this Part of this Act, so far as it authorises loans and advances by local authorities or the giving of any guarantee by the local authority.

(2) Money so borrowed by a local authority may be borrowed—

(*a*) in the case of the London County Council in manner provided by the London County Council (Finance Consolidation) Act, 1912; 2 & 3 Geo. 5. c. cv.

(*b*) in the case of the Common Council of the City of London, under the City of London Sewers Acts, 1848 to 1897;

(*c*) in the case of a metropolitan borough council, in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893;

(*d*) in any other case, in like manner and subject to the like conditions as for the purposes of the Public Health Acts:

Provided that—

(i) the maximum period which may be sanctioned as the period for which money may be borrowed by a local authority for the purposes of this Act shall, notwithstanding the provisions of any Act of Parliament, be eighty years; and

(ii) section one hundred and ninety of the Metropolis Management Act, 1855, shall have effect as if for the reference to two pounds per cent. there were substituted a reference to such sum as will be sufficient with compound interest to repay the money borrowed within the period sanctioned in respect of the loan. 18 & 19 Vict. c. 120.

Borrowing by county councils, &c.

85.—(1) A county council (other than the London County Council) may borrow for the purposes of this Act (other than the purposes of paragraph (*c*) of subsection (1) of section ninety-two of this Act) under and in accordance with section sixty-nine of the Local Government Act, 1888: 51 & 52 Vict. c. 41.

Provided that—

(*a*) where the money is borrowed for the purposes of the provision of dwelling-houses for persons in the employment of, or paid by, the council, or a statutory committee thereof, or of acquiring land for such houses, or for the purposes of section ninety-two of this Act, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years

shall be substituted for thirty years in subsection (5) of the said section sixty-nine; and

(*b*) where the money is borrowed for the purpose of making grants or loans to, or subscribing to the capital of, a public utility society under Part III. of this Act, the maximum period for repayment shall be fifty years, and as respects money so borrowed fifty years shall be substituted for thirty years in the said subsection (5).

(2) This section so far as it relates to the provision of dwelling-houses for employees shall apply to an asylums board in like manner as it applies to a county council with the substitution of a reference to the provisions fixing the period within which such board is required to repay loans for the reference to subsection (5) of section sixty-nine of the Local Government Act, 1888.

Power to borrow in connection with schemes carried out by local authority outside its own area.

86.—(1) Where a housing scheme approved under Part III. of this Act is being carried into effect by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the scheme or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection with any works necessary for the purposes of the scheme or incidental to the carrying out thereof which under this Act they are authorised to execute:

Provided that any order of the Minister, in so far as it relates to the sanction of a loan under the foregoing provisions for the purpose of the payment of interest payable in respect of money borrowed, shall be provisional only and shall be of no effect until confirmed by Parliament.

(2) The council of any county or district in which a scheme is being carried out as aforesaid shall have power, with the approval of the Minister, to borrow money for the purposes of any agreement entered into by the council with the local authority under Part III. of this Act.

Power to issue local bonds.

87.—(1) Without prejudice to any other powers of borrowing, a local authority (other than a metropolitan borough council) or a county council may, with the consent of the Minister, borrow any sums which they have power to borrow for the purposes of this Act, by the issue of bonds (in this Act referred to as "local bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Fourth Schedule to this Act shall have effect with respect to local bonds.

(3) Where on an application made by two or more local authorities or county councils the Minister is satisfied that it is expedient that those authorities or councils should have power to make a joint issue of local bonds, the Minister may by order make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities or councils.

The provisions of any such order shall have effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, and confirmed by Parliament.

(4) Any local authority or county council by whom any local bonds have been issued may, without the consent of the Minister, borrow for the purpose of redeeming those bonds.

Housing loans not to be reckoned as part of debt of authority for the purposes of any statutory limitation on borrowing.

88. Money borrowed for the purposes of this Act by a local authority or a county council shall not be reckoned as part of the total debt of the authority or council for the purposes of any limitation on borrowing imposed by any Act of Parliament.

Loans by Public Works Loan Commissioners.

Loans by Public Works Loan Commissioners to local authorities.

89.—(1) The Public Works Loan Commissioners may lend to any local authority or county council any money which that local authority or county council have power to borrow for the purposes of making advances or fulfilling guarantees under section ninety-two of this Act.

(2) Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act or to a county council or asylums board for the purpose of the provision of dwelling-houses for

employees or for the purposes of section ninety-two of this Act—

(*a*) the loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) if the Minister makes a recommendation to that effect, the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but the period shall not exceed the period recommended by the Minister nor in any case eighty years; and

(*c*) as between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans to public utility societies, &c.

90.—(1) The Public Works Loan Commissioners may, subject as hereinafter provided, advance on loan to any such company, society, association, or person as is hereafter mentioned moneys for the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwelling-houses for the working classes, and, in the case of a public utility society, for the purchase of houses which may be made suitable as dwelling-houses for the working classes and for the purchase and development of land, and any such company, society, association, or person may borrow from the Public Works Loan Commissioners such money as may be required for the purposes aforesaid.

(2) The companies, societies, associations, and persons to whom money may be so lent and who may so borrow are—

(*a*) any railway company or dock or harbour company, or any public utility society or any other company, society, or association established for the purpose of constructing or improving or of facilitating or encouraging the construction or improvement of dwelling-houses for the working classes, or for trading or manufacturing purposes, in the course of whose business, or in the discharge of whose duties, persons of the working classes are employed; and

(*b*) any person entitled to any land for an estate in fee simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired.

(3) Any such advance may be made whether the company, society, association, or person receiving the sum has or has not power to borrow on mortgage or otherwise independently of this Act; but nothing in this Act shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(4) The following conditions shall apply in the case of any such advance:—

(*a*) The period for the repayment of the sums advanced shall not exceed forty years:

(*b*) No money shall be advanced on mortgage of any land or houses solely, unless the estate therein proposed to be mortgaged is either an estate in fee simple or an estate for a term of years absolute, whereof not less than fifty years are unexpired at the date of the advance:

(*c*) The money advanced on the security of a mortgage of any land or houses solely shall not exceed such proportion as is hereinafter authorised, of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land or houses proposed to be mortgaged; but advances may be made by instalments from time to time as the building of the houses on the land mortgaged progresses so that the total advances do not any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such advances so to be made from time to time:

Provided that, where a loan is made under this section to a public utility society for the purpose of carrying out a scheme for the provision of houses for the working classes approved by the Minister,—

(i) The maximum period for the repayment of the loan shall be fifty instead of forty years:

(ii) Money may be lent on the mortgage of an estate for a term of years absolute whereof a period not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.

(5) The proportion of such value as aforesaid authorised—

(*a*) in the case of a company established for the purpose of constructing or improving or of facilitating or encouraging the construction or improvement of dwelling-houses for the working classes which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, shall be three-quarters;

(*b*) in the case of a public utility society, shall be two-thirds;

(*c*) in any other case shall be one moiety:

Provided that, where the advance to any such company exceeds one moiety of such value as aforesaid, or if the company is a public utility society exceeds two-thirds thereof, the Public Works Loan Commissioners shall require, in addition to a mortgage of any land or dwelling-houses, a further security of such value as they may think fit.

(6) Any loan advanced by the Public Works Loan Commissioners in pursuance of this section, or to borrowers other than local authorities for the provision of labourers' dwellings under the Public Works Loans Act, 1875, or any Act amending that Act, shall bear interest at such rate not less than three pounds two shillings and sixpence per centum per annum as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loan to be made without loss to the Exchequer.

(7) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwelling-houses for the working classes, every such company, society, or association as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding land acquired under this section or the corresponding provision of any Act repealed by this Act and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

(8) A public utility society shall have power, notwithstanding anything in its rules or constitution

prohibiting the payment of any interest on loan capital at a rate exceeding six per centum per annum, to raise money on loan at a rate of interest not exceeding the rate of interest for the time being prescribed by the Treasury for the purposes of this Act with respect to public utility societies.

Loans by Local Authorities for provision of Houses.

Loans by local authorities for the improvement of housing accommodation.

91.—(1) Where the owner of a house or building applies to the local authority for the purposes of Part III. of this Act of the district in which the house or building is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement thereof, and the local authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a dwelling-house or as houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it desirable that the works should be carried out, the local authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works, and any costs, charges, or expenses incidental thereto:

Provided that the loan shall not exceed one half of the estimated value of the property mortgaged, unless some additional or collateral security is given sufficient to secure the excess.

(2) Before the works are commenced, full particulars of the works and, where required by the local authority, plans and specifications thereof shall be submitted to the local authority for their approval, and before any loan is made the authority shall satisfy themselves that the works in respect of which the loan is to be made have been carried out in a satisfactory and efficient manner.

(3) For the purpose of this section "owner" means any person whose interest, or any number of persons whose combined interests, constitute either an estate of fee simple in possession, or, in the case of copyhold land, a similar estate, or a leasehold interest in possession for a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

Power of local authorities to make advances, &c., for the purpose of increasing housing accommodation.

92.—(1) A local authority for the purposes of Part III of this Act, or a county council, may, subject to such conditions as may be approved by the Minister—

(*a*) advance money, subject to the provisions hereinafter contained, to persons or bodies of persons—

(i) constructing or altering or undertaking to construct or alter houses ; or

(ii) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three;

whether such houses are within or without the area of the authority or council;

(*b*) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the industrial and Provident Societies Acts, 1893 to 1913, of any advances, with interest thereon, made by the society to any of its members for the purpose of enabling them to build houses or acquire houses the construction of which was commenced after the twenty-fifth day of April, nineteen hundred and twenty-three, whether such houses are within or without the area of the authority or council;

(*c*) in the case of the conversion of a house into two or more separate and self-contained flats, undertake that, if the aggregate rateable value of the flats exceeds the rateable value of the house before conversion, they will, during such period not exceeding twenty years as is specified in the undertaking, refund to the person by whom the rates on any such flat are payable the whole or any part of the difference between the rates paid by him and the rates which would be payable were the rateable value of the flat reduced by such an amount that the reduced value would bear to the rateable value the same proportion as the rateable value of the house before conversion bears to the aggregate rateable value of the flats.

(2) The local authority or county council before granting any such assistance shall satisfy themselves that the houses or flats in respect of which assistance is to be given, will, when the building, alteration or conversion has been completed, be in all respects fit for human habitation, and in particular that the superficial area of any such house or flat will not be less than—

(*a*) in the case of a two-storied house six hundred and twenty superficial feet; or

(*b*) in the case of a structurally separate and self-contained flat or a one-storied house five hundred and fifty superficial feet;

those measurements being calculated in accordance with the rules made by the Minister:

Provided that, if the authority or council in any particular case satisfy the Minister that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced, as respects such limited number of houses for that area and subject to such conditions as the Minister may determine, in the case of a two-storied house to five hundred and seventy, and in the case of a flat or a one-storied house to five hundred, superficial feet.

(3) Any such advance as aforesaid shall be subject to the following conditions:—

(*a*) The advance with interest thereon shall be secured by mortgage, and the advance shall not exceed ninety per cent of the value of the interest of the mortgagor in the property, and the mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority or council; and

(*b*) the advance may be made by instalments from time to time as the building or alteration of the house progresses, so, however, that the total

of the advance does not at any time before the completion of the house exceed fifty per cent of the value of the work done up to that time on the construction or on works incidental to the construction of the house, including the value of the interest of the mortgagor in the site thereof; and

(*c*) the advance shall not be made except after a valuation duly made on behalf of the authority or council; and

(*d*) where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired at the date of the advance.

(4) An advance or guarantee under this section shall not be made or given if the estimated value of the fee simple in possession free from incumbrances of the house in respect of which the advance or guarantee is to be made or given exceeds fifteen hundred pounds, but such an advance or guarantee may be made or given in addition to assistance given by the local authority under any other Act in respect of the same house.

In the case of an advance for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes of the foregoing limitation shall as respects any flat be the estimated value of the flat.

(5) In the application of this section to the county of London, the London County Council shall be the local authority to the exclusion of any other local authority.

Loans by local authority executing scheme outside its own area.

93. Where a housing scheme approved under Part III. of this Act is being carried into effect by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to advance to the council of any county or district in which the scheme is being carried out such sums as may by reason of any agreement made with that council under

that Part be required by that council in connection with the construction by the council of any works which are necessary for the purposes, or are incidental to the carrying out of the scheme.

Power of county councils to lend to local authorities.

94. A county council may lend to any local authority within their area any money which that authority have power to borrow for the purposes of this Act, subject to any conditions (including conditions with respect to the borrowing by a local authority from the county council of the money so raised), which the Minister may by general or special order impose.

Supplemental.

Accounts and audit.

95.—(1) Separate accounts shall be kept by a local authority and their officers of their receipts and expenditure under Part I., Part II., and Part III. of this Act respectively.

(2) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.

(3) Where land acquired by a council under Part III. of this Act is appropriated for the purpose of re-housing persons displaced by the council under the powers of any other Part of this Act or of any other enactment, the receipts and expenditure in respect of that land (including all costs in respect of the acquisition and laying out of the land) and of any buildings erected thereon, may be treated as receipts and expenditure under that Part or enactment, but shall be accounted for under a separate head.

Application of purchase money.

96. The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Minister.

Subscriptions by local authorities to local savings committees.

97. A local authority for the purposes of Part III. of this Act may, subject to the approval of the Minister, contribute to the expenses of any local savings committee established for their area or any part of their area.

PART V.

GENERAL.

Re-housing by Undertakers.

Re-housing obligations where land is acquired under statutory provisions.

98. Where under the powers given by any local Act or Provisional Order or Order having the effect of an Act, any land is acquired, whether compulsorily or by agreement, by any authority, company or person, or where any land is so acquired compulsorily under any general Act, other than this Act or any Act repealed by this Act, the provisions set out in the Fifth Schedule to this Act shall apply with respect to the provision of housing accommodation for persons of the working classes.

Provisions as to Building Byelaws, &c.

Relaxation of byelaws.

99.—(1) Where in pursuance of a housing scheme to which this section applies new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Minister, the provisions of any building byelaws shall not apply to the new buildings and new streets constructed and laid out in pursuance of the scheme so far as those provisions are inconsistent with the plans and specifications approved by the Minister, and, notwithstanding the provisions of any other Act, any public street or road laid out and constructed in accordance with such plans and specifications may be taken over and thereafter maintained by the local authority:

Provided that, as regards the administrative county of London, the Minister shall not approve any plans and specifications inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connexion with housing schemes.

(2) Where the Minister has approved plans and specifications which in certain respects are inconsistent with the provisions of any building byelaws in force in the district in which the works are to be executed, any proposals for the erection therein of houses and the laying out and construction of new streets which do not form part of a housing scheme to which this section applies may, notwithstanding those provisions, be carried

out if the local authority are, or, on appeal the Minister is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies:

Provided that, in the application of this subsection to the administrative county of London, the expression "local authority" means the London County Council with respect to the matters within their jurisdiction and the Common Council of the City of London or the council of a metropolitan borough (as the case may be) with respect to other matters.

(3) The housing schemes to which this section applies are schemes made by a local authority or county council under this Act, or by a public utility society or housing trust, and approved by the Minister.

Provisions as to bye-laws relating to new streets.

100.—(1) For the purpose of facilitating the erection of dwelling-houses, the Minister may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of section one hundred and eighty-four of the Public Health Act, 1875, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

38 & 39 Vict. c. 55.

(2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.

(3) Where, as respects the area of any local authority, matters relating to the level, width and construction of

new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.

(4) Before a resolution is passed under this section, notice of the proposed resolution shall be published in one or more newspapers in circulation in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy of the resolution to the Minister.

(5) For the purpose of facilitating the erection of dwelling-houses within the administrative county of London, the London County Council may, with the consent of the Minister, suspend, alter, or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation; but save as provided in this subsection this section shall not apply to the administrative county of London.

Power to Minister to revoke unreasonable byelaws.

101.—(1) If the Minister is satisfied, by local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district is or is likely to be unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke such byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.

(2) If the local authority do not within three months after such requisition comply therewith, the Minister may himself revoke such byelaws, and make such new byelaws as he may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister.

Power to authorise conversion of house

102. Where it is proved to the satisfaction of the county court on an application by the local authority or any person interested in a house that, owing to changes in the character of the neighbourhood in which the

house is situate, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements, and that, by reason of the provisions of the lease or of any restrictive covenant affecting the house or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just. into several tenements.

Restrictions on Acquisition of certain Lands.

103.—(1) Where any scheme or order under this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public. Provisions as to commons and open spaces.

(2) Before giving any such certificate, the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town

or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

104.—(1) Where any land proposed to be included in any scheme or order to be made under this Act, or any land proposed to be acquired under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Minister shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

Saving of sites of ancient monuments, &c.

105. Nothing in this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archaeological interest.

Special Powers and Duties of Local Authorities.

Power of entry on land acquired.

106.—(1) Where a local authority are by an order confirming a scheme under Part II. of this Act, or by an order made and confirmed under Part III. of this Act, authorised to purchase land compulsorily for the purposes of the scheme or of Part III. of this Act, then, at any time after notice to treat has been served, the local authority may, after giving to the owner and occupier of the land such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

8 & 9 Vict. c. 18.

(2) Where a local authority have agreed to purchase land for the purposes of a scheme under Part II. of this Act or for the purposes of Part III. of this Act, or have determined to appropriate land for either of those purposes, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845.

(3) The length of notice required to be given under the foregoing provisions of this section shall—

(*a*) in the case of land purchased for the purposes of a scheme under Part II. of this Act, be not less than twenty-eight days; and

(*b*) in the case of land purchased for the purposes of Part III. of this Act, be not less than fourteen days.

Powers in connection with provision of houses.

107.—(1) Any power of the local authority under this Act, or under any scheme made in pursuance of this Act, to provide housing accommodation, shall include a power to provide and maintain with the consent of the Minister and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

(2) The Minister may, in giving his consent to the provision of any land or building under this section, by order apply, with any necessary modifications, to

such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

Power to acquire water rights.

108.—(1) A local authority or a county council may, notwithstanding anything in section three hundred and twenty-seven or section three hundred and thirty-two of the Public Health Act, 1875, but subject to the provisions of section fifty-two of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided or to be provided under a scheme made under this Act or any enactment repealed by this Act, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of the scheme:

Provided that no local authority or county council shall be authorised under this section to abstract any water which any local authority, corporation, company, or person are empowered by Act of Parliament to impound, take, or use for the purpose of supply within any area, or any water the abstraction of which would, in the opinion of the Minister, injuriously affect the working or management of any canal or inland navigation.

(2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided under a scheme shall be treated as part of the expenses of carrying out that scheme.

Provisions as to housing schemes outside area of local authority.

109.—(1) Where a housing scheme to which this section applies has been carried into effect by a local authority outside their own area, and for the purposes of the scheme public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall vest in the council of the borough or district in which the scheme was carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not

been properly constructed in accordance with the plans and specifications approved by the Minister.

(2) Where such a scheme has been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any houses provided under the scheme which were constructed in accordance with plans and specifications approved by the Minister.

(3) Where a scheme to which this section applies has been carried out, whether before or after the passing of this Act, by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

(4) The schemes to which this section applies are housing schemes made and approved under Part III. of this Act, or the corresponding provision of any enactments repealed by this Act, and re-housing schemes in connection with a scheme made under Part II. of this Act or the corresponding provisions of any enactments repealed by this Act, whether such housing or re-housing schemes have been carried out before the passing of this Act or are carried out thereafter.

Power of local authorities to enforce covenants against owner for the time being of land.

110. Where a local authority have sold land acquired by them under this Act, or any enactment repealed by this Act, and the purchaser of the land has entered into a covenant with the local authority concerning the land, the authority shall have power to enforce the covenant against the persons deriving title under that purchaser, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

Power of local authority to

111.—(1) A local authority acting under this Act may appoint a committee consisting of so many persons as they may think fit, for any purposes of

appoint committees.

this Act which in the opinion of such authority would be better regulated and managed by means of a committee:

Provided that a committee so appointed shall consist as to a majority of its members of members of the appointing local authority, and shall in no case be authorised to borrow any money, or to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

(2) In the case of a county council other than the London County Council all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee of the council, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

Joint action by local authorities.

112. Where, upon an application made by one of the local authorities concerned, the Minister is satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Minister may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district and confirmed by Parliament.

Sale and disposal of land and houses.

113. Notwithstanding anything contained in this Act, it shall not be obligatory upon a local authority to sell and dispose of any lands or houses acquired or constructed by them for any of the purposes of this Act or any enactment repealed by this Act unless ordered to do so by the Minister in exercise of any powers conferred on him by this Act.

114. A local authority may accept a donation of land or money or other property for any of the purposes of this Act, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888. Donations for housing purposes. 51 & 52 Vict. c. 42.

Powers of the Minister.

115.—(1) The procedure on any appeal to the Minister under this Act, including costs, shall be such as the Minister may by rules determine, and on any such appeal the Minister may make such order in the matter as he thinks equitable, and any orders so made shall be binding and conclusive on all parties, and, where the appeal is against any notice, order, or apportionment given or made by a local authority, the notice, order, or apportionment may be confirmed, varied, or quashed as the Minister thinks just: Appeals to Minister.

Provided that—

(*a*) the Minister may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the court any question of law arising in the course of an appeal; and

(*b*) the rules shall provide that the Minister shall not dismiss any appeal without having first held a public local inquiry, unless the appellant fails to prosecute his appeal with due diligence.

(2) Any notice, order, or apportionment as respects which an appeal to the Minister is given under this Act shall not become operative, until either the time within which an appeal can be made under this Act has elapsed without an appeal being made, or, in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(3) The Minister may, before considering any appeal which may be made to him under this Act, require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made by him with reference to appeals.

Local inquiries.

116.—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit, and the costs incurred in relation to any such local inquiry (including the remuneration of any person employed by the Minister for the purpose of the inquiry), shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any local authority or person shall be a debt to the Crown from such local authority or person.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Minister or any local inquiry which he may cause to be held in pursuance of any Part of this Act.

Power of Minister to obtain a report on any crowded area.

117. If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Minister may determine.

Arrangements between the Minister and other Departments.

118. The Minister may make arrangements with any other Government Department for the exercise and performance by that Department of any of his powers and duties under this Act which in his opinion could be more conveniently so exercised and performed, and in such case the Department and officers of the Department shall have the same powers and duties as are by this Act conferred on the Minister and his officers.

Notices, Orders, &c.

Service of notices, &c.

119. Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local

authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering it to their clerk, or leaving it at his office with some person employed there, or sending it by post in a registered letter addressed to that authority or their clerk at the office of that authority. on local authorities.

120.—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy. Orders, notices, &c., by local authorities.

(2) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

121.—(1) Subject to the foregoing provisions as to the service of notices, summonses, writs and other proceedings at law or otherwise on local authorities, any notice, order, or other document required or authorised to be served under this Act may be served either— Service of other notices, &c.

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last-known place of abode of that person ; or

(*c*) by forwarding it by post in a pre-paid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society addressed to the secretary of the company or society at the registered or principal office of the company or society; or

(*d*) if addressed to the "owner" or "occupier" of premises, by delivering it to some person on the premises, or if there is no person in the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

(2) Subject as aforesaid, any notice, order or other document which is by this Act required or authorised to be served on the owner or occupier of any premises may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

Power to prescribe forms and to dispense with advertisements and notices.

122.—(1) The Minister may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Minister under this Act, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by the Minister to prevent the interests of any persons being prejudiced by the dispensation.

Offences.

Penalty for obstructing the execution of Act.

123. Where any person obstructs the medical officer of health or any officer of the local authority, or of the Minister, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for preventing execution of repairs, &c.

124.—(1) If any person, after receiving notice of the intended action—

(*a*) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of Part I. of this Act; or

(*b*) being the owner or occupier of any premises prevents the medical officer of health or any officers, agents, servants or workmen of such officer or of the local authority from so doing; or

(*c*) being the inmate of any premises, prevents the owner thereof or any other person upon whom any obligations with respect to the premises are imposed by byelaws under Part I. of this Act from complying with such obligations;

a court of summary jurisdiction on proof thereof may order that person to permit to be done on the premises all things requisite for carrying into effect such provisions or the fulfilment of such obligations with respect to the premises.

(2) If any such person fails to comply with any such order of a court of summary jurisdiction, he shall for each day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds.

Prohibition on persons interested voting as members of local authority.

125.—(1) A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house, building, or land in which he is beneficially interested:

Provided that a person shall not, by reason only of the fact that he occupies a house at a rental from a local authority within the meaning of Part III. of this Act, be disqualified from being elected or being a member thereof or any committee thereof.

(2) If any person votes in contravention of this section, he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

Description of owner in proceedings.

126. Where in any proceedings under Part I. of this Act it is necessary to refer to the owner of any premises, it shall be sufficient to designate him as the "owner" thereof without name or further description.

Miscellaneous.

Power of entry.

127. Any person authorised in writing stating the particular purpose or purposes for which the entry is

authorised, by the local authority or the Minister, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under this Act; and

(*b*) for the purpose of survey and examination, in the case of any house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the authority or Minister that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of any house, premises, or building.

Exclusion of application of 10 & 11 Geo. 5. c. 17.

128. Nothing in the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, or in the enactments amending that Act, shall be deemed to affect the provisions of Part I. of this Act relating to the obtaining possession of a house with respect to which a closing order has been made, or to prevent a local authority from obtaining possession of any house the possession of which is required by them for the purpose of exercising their powers under this Act or under any scheme made under this Act or any enactment repealed by this Act.

Payment of purchase or compensation money by one local authority to another.

129.—(1) Any purchase money or compensation payable in pursuance of this Act by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) Any such decision of the Minister as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provisions as to medical officers of health.

130.—(1) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

(2) Anything which under this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

(3) The London County Council may, with the consent of the Minister, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any Part of this Act.

(4) Any medical officer of health appointed by the London County Council, and any officer appointed under this section by the London County Council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

Exemption from s. 133 of 8 & 9 Vict. c. 18.

131. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate) shall not apply in the case of any lands of which a local authority become possessed by virtue of this Act or any enactment repealed by this Act.

Provisions with respect to money applicable under trusts for housing purposes.

132.—(1) If in any case it appears to the Minister that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of dwelling-houses available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Minister may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of dwelling-houses available for the working classes, the court or body who are responsible for making the scheme shall communicate with the Minister and receive and consider any recommendations made by the Minister with reference to the proposed scheme.

Application of Act to New Forest. 2 Edw. 7. c. cxcviii.

133. The provision of houses under this Act shall be deemed to be a local sanitary requirement for the purpose of the New Forest (Sale of Lands for Public Purposes) Act, 1902: Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

Powers of Act to be cumulative.

134. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any Part of this Act.

Definitions.

135. In this Act, unless the context otherwise requires—

"Asylums Board" means the Lancashire Asylums Board, the West Riding of Yorkshire Asylums Board, the Staffordshire Mental Hospitals Board and any other body constituted for the administration of the enactments relating to lunacy on behalf of any combination of county councils or county borough councils;

"Building byelaws" include byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings including the drainage thereof and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets, and any byelaws made with respect to such matters under any such local Act;

"Contributory place" has the same meaning as in the Public Health Act, 1875;

"Common Council" means the Mayor, Aldermen and Councillors of the City of London in common council assembled;

"County of London," except where specified to be the administrative county of London, means the administrative county of London exclusive of the City of London;

"Dwelling-house" includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith;

"Housing trust" means a corporation or body of persons which by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto;

"Land" includes any right over land;

"Owner," includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promotors of an undertaking, and for the purposes of Part I. of this Act also includes any lessee or mortgagee of premises required to be dealt with under that Part of this Act, except a person holding or entitled to the rents and profits of the premises under a lease the original term whereof is less than twenty-one years;

"Public Health Acts" mean as respects London, the Public Health (London) Act, 1891, and the Acts amending that Act, and elsewhere the Public Health Act, 1875, and the Acts amending that Act;

"Public utility society" means a society registered under the Industrial and Provident Societies' Acts, 1893 to 1913, the rules whereof prohibit the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury;

"Street" includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not;

"The Minister" means the Minister of Health.

Repeals.

136.—(1) The enactments mentioned in the Sixth Schedule to this Act are, so far as they apply to England and Wales, hereby repealed to the extent specified in the third column of that schedule :

Provided that—

(*a*) nothing in this repeal shall affect any scheme, order, byelaw, rule, regulation, or representation made, notice given, or charge effected under any enactment hereby repealed, but any such scheme, order, byelaw, rule, regulation, representation, notice, and charge shall have effect as if made, given, or effected under the corresponding provision of this Act and may be amended, varied, repealed, revoked, or enforced accordingly;

(*b*) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act;

(*c*) nothing in this repeal shall affect any appointment of any officer made under or by virtue of any enactment so repealed, but any such officer shall continue in office and shall be deemed to have been appointed under this Act.

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

52 & 53 Vict. c. 63.

Short title, commencement and extent.

137.—(1) This Act may be cited as the Housing Act, 1925.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-five.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Sections 21 46.

RULES AS TO ASSESSMENT OF COMPENSATION.

PART I.

RULES APPLICABLE IN THE CASE OF LANDS INCLUDED IN AN IMPROVEMENT OR RECONSTRUCTION SCHEME ONLY FOR THE PURPOSE OF MAKING THE SCHEME EFFICIENT, AND NOT ON ACCOUNT OF THE SANITARY CONDITION OF THE PREMISES THEREON OR OF THOSE PREMISES BEING DANGEROUS OR PREJUDICIAL TO HEALTH.

1. Evidence shall be receivable by the arbitrator to prove that the rental of the premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates, and, if the arbitrator is satisfied by such evidence, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

2. Evidence shall be receivable by the arbitrator to prove that the premises are in a state of defective sanitation or are not in reasonably good repair, and if the arbitrator is satisfied by such evidence, the compensation shall be the amount estimated as the value of the premises if they had been put into a sanitary condition or reasonably good repair after deducting the estimated expense of putting them into such condition or repair.

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

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

1ST SCH. —*cont.*

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

PART II.

RULES APPLICABLE IN THE CASE OF THE PURCHASE OF LANDS ON WHICH OBSTRUCTIVE BUILDINGS ARE ERECTED.

1. Evidence shall be receivable by the arbitrator to prove that the rental of the premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates, and, if the arbitrator is satisfied by such evidence, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates.

2. Evidence shall be receivable by the arbitrator to prove that the premises are in a state of defective sanitation or are not in reasonably good repair, and if the arbitrator is satisfied by such evidence, the compensation shall be the amount estimated as the value of the premises if they had been put into a sanitary condition or into reasonably good repair after deducting the estimated expense of putting them into such condition or repair.

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

3. The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the houses or buildings included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

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

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

PART III.

RULES APPLICABLE WHERE OBSTRUCTIVE BUILDINGS ARE PULLED DOWN, THE OWNER RETAINING THE SITE.

1. The estimate of the value of the house or building to be pulled down shall be based on the fair market value as estimated at the time of the valuation being made of the house or building and of the several interests therein, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state and to the state of repair thereof, and rules 1, 2, 3, and 4 of Part II. of this Schedule shall apply.

2. No allowance shall be made by reason of the pulling down being compulsory.

3. Subject to the foregoing provisions the compensation to be paid shall be assessed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and the provisions of that Act other than section two thereof, shall apply accordingly, notwithstanding that no land is acquired compulsorily.

SECOND SCHEDULE.

Section 40.

PROVISIONS SUBJECT TO WHICH THE LANDS CLAUSES ACTS ARE INCORPORATED IN AN ORDER CONFIRMING AN IMPROVEMENT OR RECONSTRUCTION SCHEME.

(1) The title to be made in the case of the purchase of an interest in fee simple in land, whether the purchase is compulsory or by agreement, shall commence twenty years previous to the date of the notice to treat or the agreement to sell, unless there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to that date, in which case the title shall commence with such conveyance: Provided that the local authority shall not be prevented if they think fit from requiring at their own expense any further abstract or evidence of title respecting any such lands as aforesaid in addition to the title hereinbefore mentioned.

(2) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determines may award compensation in respect of the severance of the part so proposed to be taken, in addition

2ND SCH. —*cont.*

to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the other part or the whole of such house, building, or manufactory.

Section 64.

THIRD SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THIS ACT.

(1) Where a local authority propose to purchase land compulsorily, the local authority may submit to the Minister an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Minister, and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit, and an order when so confirmed shall, save as otherwise expressly provided by this schedule, become final and have effect as if enacted in this Act; and the confirmation by the Minister shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) The order shall be in the form prescribed by the Minister, and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

8 & 9 Vict. c. 20.

(*b*) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

(4) The order shall be published by the local authority in the manner prescribed by the Minister, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed by the Minister.

(5) If within such period as may be prescribed by the Minister no objection to the order has been presented to the Minister by a person interested in the land, or if every such objection has been withdrawn, the Minister shall, without further

3RD SCH. —*cont.*

enquiry, confirm the order unless he is of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Minister shall, before confirming the order, duly consider the report of the person by whom a public inquiry is held.

(6) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority shall be deemed to be the promotors of the undertaking.

(7) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(8) The reference to sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, shall be construed as a reference to those sections as originally enacted and not as a reference to the provisions which by virtue of the Mines (Working Facilities and Support) Act, 1923, are in certain cases to be substituted for those sections.

13&14 Geo. 5. c. 20.

FOURTH SCHEDULE.

Section 87.

PROVISIONS AS TO LOCAL BONDS.

1. Local bonds shall—
   (*a*) be secured upon all the rates, property and revenues of the local authority;
   (*b*) bear interest at such rate of interest as the Treasury may from time to time fix;
   (*c*) be issued in denominations of five, ten, twenty, fifty, and one hundred pounds and multiples of hundred pounds;
   (*d*) be issued for periods of not less than five years.

4TH SCH. —*cont.*

2. Local bonds shall be exempt from stamp duty under the Stamp Act, 1891, and no duty shall be chargeable under section eight of the Finance Act, 1899, as amended by section ten of the Finance Act, 1907, in respect of the issue of any such bonds.

54 & 55 Vict. c. 39.
62 & 63 Vict. c. 9.
7 Edw. 7. c. 13.

3. The provisions of section one hundred and fifteen of the Stamp Act, 1891 (which relates to composition for stamp duty) shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that authority of a nominal amount not exceeding in the aggregate one hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D. subject, however, to any provision of the enactments relating to income tax with respect to exemption or abatement.

5. Local bonds issued by a local authority shall be accepted by that authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of any scheme under this Act.

6. The Minister may, with the approval of the Treasury, make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor, and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act, 1875, and the Acts amending that Act, and of any Act relating to securities issued by the London County Council or by any other local or public body.

38 & 39 Vict. c. 83.

7. For the purposes of this Schedule the expression "local authority" includes a county council.

Section 98.

FIFTH SCHEDULE.

PROVISIONS AS TO REHOUSING IN CASE OF DISPLACEMENT OF PERSONS OF THE WORKING CLASS.

(1) If in the administrative county of London or in any borough or urban district, or in any parish not within a borough or urban district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Minister has either approved of a housing scheme under this schedule or has decided that such a scheme is not necessary.

5TH SCH. —*cont.*

For the purposes of this schedule a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any dwelling-houses are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Minister under this schedule, for his approval of or decision with respect to a housing scheme, shall be taken into consideration.

(2) The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Minister, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Minister shall take into consideration not only the persons of the working class who are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Minister, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

(3) Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part III. of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

(4) The housing scheme shall provide that any lands acquired under the scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Minister may dispense with such appropriation; and every conveyance, demise, or lease of any such land shall be endorsed with notice of this provision, and the Minister may require the insertion in the scheme of any provisions requiring a certain standard of house to be erected under the scheme, or any conditions to be complied with as to the mode in which the dwelling-houses are to be erected.

5TH SCH. —*cont.*

(5) If the Minister does not hold a local inquiry with reference to a housing scheme, he shall, before approving the scheme send a copy of the draft scheme to every local authority, and shall consider any representation by any such authority made within the time fixed by the Minister.

(6) The Minister may, as a condition of his approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

(7) Before approving any scheme the Minister may if he thinks fit, require the undertakers to give such security as the Minister considers proper for carrying the scheme into effect.

(8) The Minister may hold such enquiries as he may think fit for the purpose of his duties under this schedule, and subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply for the purpose, and where the undertakers are not a local authority shall be applicable as if they were such an authority.

(9) If the undertakers enter on any working-men's dwellings in contravention of the provisions of this schedule, or of any conditions of approval of the housing scheme made by the Minister, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling.

Any such penalty shall be recoverable by the Minister by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

(10) If the undertakers fail to carry out any provision of the housing scheme, the Minister may make such order as he may think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

(11) The Minister may, on the application of the undertakers, modify any housing scheme which has been approved by him under this schedule, and any modifications so made shall take effect as part of the scheme.

(12) For the purposes of this schedule—

(*a*) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act;

(*b*) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired;

(*c*) The expression "local authority" means the council of any administrative county and the district council

of any county district, or, in London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated, or in the case of the city of London, the common council;

(*d*) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling;

(*e*) The expression "working class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of three pounds a week, and the families of any of such persons who may be residing with them.

SIXTH SCHEDULE.

Section 136.

Session and Chapter.	Short Title.	Extent of Repeal.
44 & 45 Vict. c. 38.	The Public Works Loans Act, 1881.	Section eleven.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The whole Act except subsection (1) of section seventy-four.
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act, 1890.	Section twenty-five.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Subsection (2) of section six.
57 & 58 Vict. c. 55.	The Housing of the Working Classes Act, 1894.	The whole Act.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In Part II. of the Second Schedule the words "Power to adopt Part "III. of the Housing of "the Working Classes "Act, 1890," and the words "The power to "be exercised only "within the borough" where those words secondly occur.

6TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	The whole Act, so far as unrepealed.
3 Edw. 7. c. 39	The Housing of the Working Classes Act, 1903.	The whole Act.
9 Edw. 7. c. 44	The Housing, Town Planning, &c., Act, 1909.	Part I., except section seven. Subsection (1) of section sixty-nine, and in subsections (2) and (3) of the same section the words "the clerk or" and "clerk or." Part IV. except so far as it relates to town planning. First, Second, and Sixth Schedules.
4 & 5 Geo. 5. c. 33.	The Public Works Loans Act, 1914.	Section four.
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c., Act, 1919.	Part I., except sections seven, nineteen, twenty-three, twenty-five, thirty-one, and thirty-six, and subsection (4) of section twenty-four and section forty, so far as required for the interpretation of the unrepealed provisions of the Act. First, Second, and Fifth Schedules.
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act, 1919.	In section seven the words "for the purposes of "Part I. or Part II. of "the Housing of the "Working Classes Act, "1890 or" and the words from "and the provi- "sions of the Second "Schedule" to the end of subsection (1).
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	The whole Act except sections eight, nine, ten, eleven and fifteen.
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920	Section thirty-two.

6TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Sections two, three, four and nine; section five, except so far as it amends the Small Dwellings Acquisition Act, 1899. Section six, except so far as it amends section ten of the Housing (Additional Powers) Act, 1919.
12 & 13 Geo. 5. c. 33.	The Public Works Loans Act, 1922.	Section four.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Sections five, seven to fifteen and seventeen. The First Schedule. The Second Schedule, except so far as it amends sections fifty-nine and sixty-nine of the Housing, Town Planning, &c. Acts, 1909.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section twelve. The Second Schedule, so far as it amends section five of the Housing, &c., Act, 1923.

CHAPTER 15.

An Act to consolidate the enactments relating to the Housing of the Working Classes in Scotland. [9th April 1925.]

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