CHAPTER 24.

An Act to amend the enactments relating to the Housing of the Working Classes (including the amendment and revocation of building byelaws), Town Planning and the Acquisition of Small Dwellings. [31st July 1923.]

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.

AMENDMENTS OF HOUSING ACTS.

Temporary Provisions for encouraging the Provision of Housing Accommodation.

Government contributions to expenses of local authorities in assisting construction of houses. 53 & 54 Vict. c. 70.

1.—(1) The Minister of Health (hereinafter referred to as the Minister) shall, subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine, make or undertake to make contributions out of moneys provided by Parliament:—

(*a*) towards any expenses incurred by a local authority for the purposes of Part III. of the Housing of the Working Classes Act, 1890 (hereinafter referred to as the principal Act), in promoting in accordance with section two of this Act the construction of houses of such type and size as is specified in this section and completed before the first day of October, nineteen hundred and twenty-five;

(*b*) where the local authority satisfy the Minister that the needs of their area can more appropriately be met by the provision of such houses wholly or partly by the authority themselves, towards any expenses incurred by the authority in making such provision.

A contribution under this section shall be the sum of six pounds for each house in respect of which the contribution is made, payable annually for a period of twenty years, except that, where the amount of the expenses incurred by a local authority under paragraph (*a*) in respect of any house is less than the value of six pounds per annum for twenty years, such reduction shall be made in the amount of the annual sum payable, or in the number of years for which it is to be payable, or in both, as may be necessary in order to reduce the value of the contribution in respect of that house to the amount of the expenses so incurred.

(2) The houses in respect of which contributions may be given under this section shall be either—

(*a*) a two-storied house with a minimum of six hundred and twenty and a maximum of nine hundred and fifty superficial feet; or

(*b*) a structurally separate and self-contained flat or a one-storied house with a minimum of five hundred and fifty and a maximum of eight hundred and eighty superficial feet;

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

Provided that, if the local authority 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.

Except where otherwise approved by the Minister on the recommendation of the local authority, every house or flat to which this section applies shall be provided with a fixed bath.

(3) The Minister may, with the approval of the Treasury, make or undertake to make contributions out of moneys provided by Parliament towards the expenses incurred by a local authority in carrying out a re-housing scheme in connection with a scheme made under Part I.

or Part II. of the principal Act (including the acquisition, clearance, and development of land included in the last-mentioned scheme, and whether the re-housing will be effected on the area included in that scheme or elsewhere), of such amounts, for such periods, and subject to such conditions as, with the approval of the Treasury and after consultation with the local authority, the Minister may determine, so, however, that the annual contributions in respect of any such re-housing scheme shall not exceed one-half of the estimated average annual loss likely to be incurred by the local authority in carrying out the scheme.

(4) Where within fifteen months before the passing of this Act a local authority have submitted to the Minister proposals for assisting persons or bodies of persons undertaking to construct houses, or for the provision of houses by the local authority themselves, or where after the twenty-fifth day of April, nineteen hundred and twenty-three, and before the passing of this Act, a society, body of trustees or company to which section three of this Act applies have submitted proposals for the provision of houses, and such proposals have been approved by the Minister otherwise than for the purposes of section seven or section nineteen of the Housing, Town Planning, &c. Act, 1919, contributions may be made of the like amount as if the assistance had been given or the houses provided after the passing of this Act, and notwithstanding that the houses do not comply in every respect with the conditions imposed by or under this section. 9 & 10 Geo. 5. c. 35.

(5) References in this section to local authorities shall in any case—

(*a*) where the powers of a local authority have been transferred to a county council; or

(*b*) where a county council, or any such board or body as is mentioned in subsection (3) of section eight of the Housing, Town Planning, &c. Act, 1919, exercise the powers conferred by that section of providing houses for persons in their employment or paid by them or by a statutory committee,

include such county council, board, or body.

(6) The expression "local authority" shall, for the purposes of paragraph (*b*) of subsection (1) of this section, include a metropolitan borough council, and the London County Council may, in the case of any house provided by a metropolitan borough council, supplement the contribution made by the Minister in respect of such house under this section to an extent not exceeding the sum of three pounds payable annually for a period not exceeding twenty years.

Power of local authorities to promote the building of houses by means of grants, &c.

2.—(1) Local authorities for the purposes of Part III. of the principal Act, may, in accordance with proposals submitted by them to the Minister and approved by him, promote the building of houses, whether within or without their areas, by giving or undertaking to give assistance in respect thereof in manner hereinafter provided.

(2) Before approving proposals under this section the Minister shall be satisfied—

(*a*) that the houses in respect of which assistance is proposed to be given are of the type and size specified in section one of this Act;

(*b*) that the need for such houses cannot be met without assistance under this Act.

(3) Assistance under this section may be given in any of the following ways; that is to say, the local authority may—

(*a*) make or undertake to make grants by way of lump sum payments after the completion of the houses;

(*b*) undertake to pay to the person by whom the rates on any house are payable such annual sum as may be specified in the proposals for a period not exceeding twenty years;

(*c*) undertake to provide, during such period as may be specified in the proposals, any part of the periodical sums payable to a building society incorporated under the Building Societies Acts, 1874 to 1894, or other body or person, by way of interest on or repayment of advances

made for the purpose of building a house or purchasing a house the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three.

(4) Assistance given by a local authority under this section in respect of a house may be made subject to such conditions as the local authority may with the approval of the Minister impose, including a condition that during such period as may be specified by the local authority the house shall not be used otherwise than as a separate dwelling-house and no addition thereto or enlargement thereof shall be made without the consent of the local authority.

(5) A local authority may, before undertaking to give assistance under this section in respect of any house, require security to be given that the house will be completed before the said first day of October, and that the other conditions subject to which the assistance is given will be observed.

(6) The raising of money for making grants under this section shall be a purpose for which a local authority may borrow under Part III. of the principal Act, and shall be a purpose for which the Public Works Loan Commissioners may lend money to a local authority.

(7) In the application of this section to the county of London the London County Council shall, to the exclusion of any other local authority, be the local authority for the purposes of Part III. of the principal Act, and for the purpose of securing the proper exercise of their powers under this section they shall have the power to require a district surveyor under the London Building Act, 1894, to perform within his district such duties as they think necessary for that purpose, and they may pay to him such remuneration as they may determine in respect of any duties performed by him in pursuance of this section. 57&58 Vict. c. ccxiii.

(8) This section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and twenty-three.

Government contribu-

3.—(1) Where a society, body of trustees or company to which this section applies prove to the Minister

tions to expenses of public utility societies, &c., in building houses.

that they are willing to undertake the construction of houses of such type and size and within such period as aforesaid without assistance from a local authority, if they receive from the Minister towards any expenses incurred by them in the construction of such houses the like contributions as the Minister is authorised by this Act to make towards expenses incurred by a local authority in providing such houses, the Minister may, subject to such conditions as aforesaid, make or undertake to make contributions out of moneys provided by Parliament towards such expenses of the like amount as he is authorised to make towards expenses incurred by a local authority in providing such houses.

(2) This section applies to any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, or facilitating or encouraging the construction of, dwelling-houses for the working classes, being a society, body of trustees, or company which does not trade for profit or whose constitution prohibits the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

Saving as respects houses not completed within the specified period.

4. The failure to complete a house before the said first day of October shall not render invalid any undertaking to make a contribution or give assistance in respect of the house, if the house is completed before the first day of June, nineteen hundred and twenty-six, and if the Minister is satisfied that the construction of the house or necessary work of development on or about the site preliminary thereto was begun within a reasonable time and that the failure to complete the house before the said date was due to circumstances over which the local authority, person, or body constructing the house had no control.

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

5.—(1) A local authority for the purposes of Part III. of the principal Act may, subject to such conditions as may be approved by the Minister, at any time before the first day of October, nineteen hundred and twenty-six :—

(*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 local authority;

(*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 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;

(*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:

Provided that the local authority 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 the minimum permissible under section one of this Act.

(2) 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 from the local authority; and

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

(*d*) where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless such 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.

(3) 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 section two of this Act in respect of the same house.

(4) The raising of money for making any such advance or for fulfilling any such guarantee shall be a purpose for which a local authority may borrow under Part III. of the principal Act, and a purpose for which the Public Works Loan Commissioners may lend to a local authority.

(5) In the application of this section to the county of London, the London County Council shall, to the exclusion of any other local authority, be the local authority for the purposes of Part III. of the principal Act.

Repeal of superseded enactments subject to saving for existing liabilities. 11 & 12 Geo. 5. c. 19.

6.—(1) Sections seven and nineteen of the Housing, Town Planning, &c. Act, 1919, and any enactments amending those sections, and section eight of the Housing Act, 1921, are hereby repealed; but, save as hereinafter in this section provided, this repeal shall not affect the validity of any regulations made under the said section or the power to amend such regulations, or any liability of the Minister to pay any sum which under the said sections and regulations he has undertaken to pay, or the terms and conditions on which the Public Works Loan Commissioners may lend for the purposes of a scheme towards the losses of which the Minister is liable to contribute under the said section seven.

(2) Notwithstanding anything in the enactments so repealed, the regulations made thereunder shall be amended so as to provide that the percentage of the annual loan charges referred to in paragraph (*b*) of subsection (2) of the said section seven and in subsection (2) of the said section nineteen, payable by the Minister under those sections shall, after the thirty-first day of March, nineteen hundred and twenty-seven, be increased, subject to such conditions as the Treasury may approve, from thirty to forty per cent.

(3) The repeal of section eight of the Housing Act, 1921, shall not affect the liability of the London County Council to make repayments to councils of metropolitan boroughs thereunder, but the loss to be repaid to the council of any metropolitan borough under that section shall be the estimated annual loss calculated in like manner as in the case of a borough outside London.

Miscellaneous Amendments of the Housing Acts.

Partial repeal of 9 & 10 Geo. 5. c. 35, s. 15.

7. In section fifteen of the Housing, Town Planning, &c. Act, 1919 (which relates to the powers of local authorities for dealing with land acquired or appropriated for the purposes of Part III. of the Housing of the Working Classes Act, 1890), the proviso to paragraph (*d*) of subsection (1) and in subsection (2) the words from

"subject to any condition," to "houses erected thereon and" shall be repealed:

Provided that, where a local authority have sold land acquired by them under the Housing Acts, and the purchaser of the land has entered into any 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.

Provisions as to housing schemes outside area of local authority.

8.—(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 roads have been constructed and completed by that local authority, the liability to maintain the roads shall vest in the council of the borough or district in which the scheme was carried out, unless that council, or on appeal the Minister, is satisfied that the 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) The schemes to which this section applies are housing schemes made and approved under section one of the Housing, Town Planning, &c. Act, 1919, and re-housing schemes in connection with a scheme made under Part I. or Part II. of the principal Act, whether such housing or re-housing schemes have been carried out before the passing of this Act or are carried out thereafter.

(4) 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 roads shall vest in the council of that metropolitan

borough unless that council are, or on appeal the Minister is, satisfied that the roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.

Provisions as to licensed premises included in Part I. and Part II. schemes.

9. Where the land included in a scheme made, whether before or after the passing of this Act, under Part I. or Part II. of the principal 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. and 1 Geo. 5 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.

Repairs of houses. 9 Edw. 7. c. 44.

10.—(1) Sections fourteen and fifteen of the Housing, Town Planning, &c. Act, 1909, shall have effect as respects letting for habitation after the passing of this Act as though—

(*a*) paragraph (*b*) of the said section fourteen had been omitted; and

(*b*) in paragraph (*c*) of the said section fourteen for the word "sixteen" there had been substituted the word "twenty-six."

(2) Subsections (3) to (6) of section fifteen of the Housing, Town Planning, &c. Act, 1909 (being provisions which are virtually superseded by section twenty-eight of the Housing, Town Planning, &c. Act, 1919), are hereby repealed, and the said section twenty-eight shall have effect subject to the following modifications—

(*a*) A notice given by a local authority under that section shall specify what works are to be executed as being necessary to make the house in all respects reasonably fit for human habitation; and 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:

(*b*) The owner may appeal to the Minister against any notice requiring him to execute works under that section, and against any demand for the recovery of expenses from him under that section or an order made by the local authority under that 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, demand, or order 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, and subject to such appeal the notice, demand, or order shall be binding and conclu-

sive as to any matters which could have been raised on such appeal:

(*c*) The raising of money to defray the expenses of repairs executed by a local authority under that section shall be a purpose for which the local authority may borrow:

(*d*) Where a house in respect of which a notice has been served upon the owner by the local authority under subsection (1) of that section is not capable without reconstruction of being rendered 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 the Housing Acts shall apply as if the house were land authorised to be acquired compulsorily for the purposes of a scheme under Part II. of the principal Act, and that land had been included in the scheme on account of the sanitary condition of the premises thereon:

(*e*) 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.

Power to enter on land for purposes of scheme under Part I. or Part II.

11. The provisions of section ten of the Housing, Town Planning, &c. Act, 1919 (which enables a local authority to enter and take possession of land which they are authorised to purchase for the purposes of Part III. of the principal Act), shall apply in the case of the purchase of land compulsorily or by agreement for the purposes of a scheme under Part I. or Part II. of the principal Act as they apply where the land is to be purchased for the purposes of Part III. thereof, save that the length of notice required to be given before entry shall be twenty-eight days instead of fourteen days.

Provisions as to bye-

12.—(1) For the purpose of facilitating the erection of dwelling-houses, the Minister may prescribe a code of

laws relating to new streets.

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.

(6) Except as otherwise expressly provided, this section shall not apply to the administrative county of London.

Amendment of s. 44 of Act of 1909.

13. The Housing, Town Planning, &c. Act, 1909, shall have effect as if for section forty-four thereof the following section were substituted:

"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. 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."

Byelaws respecting houses divided into separate tenements.

14.—(1) Section twenty-six of the Housing, Town Planning, &c. Act, 1919 (which relates to byelaws respecting houses divided into separate tenements), shall, in its application to the administrative county of London, have effect—

(*a*) as if after paragraph (i) of subsection (1) of that section there were inserted the following paragraph:—

"(j) for the taking of precautions in the case of any infectious disease;"

(2) Byelaws made by the London County Council in pursuance of the said section as so amended, 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.

(3) As soon as any byelaws made by the London County Council in pursuance of the said section as so amended come into force, all byelaws made by the council of any metropolitan borough under section

54 & 55 Vict. c. 76.

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.

Simplification of Housing Acts.

15. For the purpose of facilitating the consolidation and of simplifying the machinery of the Housing Acts, the provisions set out in the First Schedule to this Act—

(*a*) for assimilating the procedure in the case of schemes under Parts I. and II. of the principal Act and the assessment of compensation thereunder;

(*b*) for assimilating the assessment of compensation in the case of the demolition of obstructive dwelling-houses and other buildings;

(*c*) for simplifying the accounts of the receipts and expenditure of local authorities; and

(*d*) for making uniform the provisions as to the service of notices;

shall have effect.

Minor amendments.

16. The amendments specified in the second column of the Second Schedule to this Act (relating to minor amendments of Housing Acts) shall be made in the provisions of the Housing Acts specified in the first column of that schedule.

Construction of Part I.

17. This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained, and references in this Part of this Act to the principal Act, or to any provision of the principal Act, shall be construed as references to that Act or provision as amended by any subsequent enactment including this Part of this Act.

PART II.

TOWN PLANNING, &c.

Determination of questions as to compensation under town planning schemes. 9 & 10 Geo. 5. c. 57.

18. Any question which under subsection (4) of section fifty-eight of the Housing, Town Planning, &c. Act, 1909, is to be determined by the arbitration of a single arbitrator appointed by the Minister shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Extension of time for preparation of town planning schemes.

19. The time within which councils of boroughs and urban districts are required by section forty-six of the Housing, Town Planning, &c. Act, 1919, to prepare and submit to the Minister town planning schemes shall be extended to six years from the first day of January, nineteen hundred and twenty-three, and accordingly subsection (1) of that section shall have effect as if for the words "three years" there were substituted the words "six years."

Notice to withdraw or modify provisions of scheme.

20.—(1) The responsible authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected by the making of a town-planning scheme, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the responsible authority shall, within three months from the date of the notice, submit for the Minister's approval a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Minister of the varying scheme, whether with or without modification, and payment by the authority of the owner's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected by the making of a town-planning scheme shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the Minister's decision on the varying scheme.

Power to make town planning schemes in special cases.

21. Where it appears to the Minister that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that with a view to preserving the existing character and to protecting the existing features of the locality a town planning scheme should be made with respect to any area comprising that locality, the Minister may, notwithstanding that the land or any part thereof is already developed, authorise a town planning scheme to be made with respect to that area prescribing the space about buildings, or limiting the number of buildings to be erected, or prescribing the height or character of buildings, and, subject as aforesaid, the Town Planning Acts, 1909 to 1923, shall apply accordingly.

PART III.

AMENDMENTS OF THE SMALL DWELLINGS ACQUISITION ACTS.

Amendments of 62 & 63 Vict. c. 44.

22. The Small Dwellings Acquisition Act, 1899, shall have effect subject to the following amendments :—

(*a*) An advance under that Act may be made to a person intending to construct a house, and in such case the limitation in that Act requiring that the person to whom the advance is made must be resident in the house, shall be construed as requiring that the person should be a person intending to reside in the house when constructed :

(*b*) The limit on the market value of houses in respect of which advances may be made under that Act shall be increased from eight hundred to twelve hundred pounds :

(*c*) The statutory condition requiring the proprietor of a house in respect of which an advance has been made to reside in the house shall have effect for a period of three years from the date when the advance is made, or from the date on which the house is completed, whichever is the later, but no longer, and compliance with this condition may at any time be dispensed with by the local authority :

(*d*) The market value of the ownership of any house in respect of which an advance is to be made under that Act shall be ascertained by means of a valuation duly made on behalf of the local authority, and the amount of any such advance shall not exceed ninety per cent. of the market value as so ascertained:

(*e*) Where an advance is made in respect of a house in course of construction, the advance may be made by instalments from time to time as the building of the house progresses, so that the total 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 of the house including the value of the interest of the person to whom the advance is made in the site thereof:

(*f*) A person shall not, by reason only of the fact that an advance is made to him under that Act, be disqualified from being elected as or being a member of the local authority by whom the advance is made or any committee of such local authority.

PART IV.

GENERAL.

Application to Scotland.

23. This Act shall apply to Scotland, subject to the following modifications:—

(1) References to the Minister of Health in this Act, except in paragraph (*b*) of subsection (2) of section ten, shall be construed as references to the Scottish Board of Health, and the references to the Minister in paragraph (*b*) aforesaid shall be construed as references to the sheriff.

(2) References to section seven, section ten, section nineteen, section twenty-eight and section forty-six of the Housing, Town Planning, &c. Act, 1919, shall be construed as references to section five, section nine, section sixteen, section twenty-five and section thirty-two respectively of the Housing, Town Planning, &c. (Scotland) Act, 1919, the reference to section one hundred

9 & 10 Geo. 5. c. 60.

and eighty-four of the Public Health Act, 1875, shall be construed as a reference to section three hundred and eighteen of the Burgh Police (Scotland), Act, 1892, and the reference to the Town Planning Acts, 1909 to 1923, shall be construed as a reference to the Town Planning (Scotland) Acts, 1909 to 1923.

55 & 56 Vict. c. 55.

(3) "Mortgage" or "mortgage deed" means bond and disposition in security or deed of security in such other form as the persons concerned may agree, and "mortgagor" shall be construed accordingly, and "arbitrator" means arbiter.

(4) Section eight, section nine, and paragraph (*e*) of subsection (2) of section ten shall not apply.

(5) Contributions may be made or undertaken to be made by the Scottish Board of Health with the approval of the Treasury under subsection (3) of section one towards the expenses incurred by a local authority in carrying out a scheme under Part III. of the principal Act, so far as the scheme relates to the exercise by the authority of powers conferred by subsection (1) of section eleven of the Housing, Town Planning, &c. (Scotland) Act, 1919, or so far as the scheme provides for rehousing persons displaced in consequence of closing or demolition orders, or of alterations under the said section eleven, and the provisions of the said subsection (3) shall apply to the contributions towards the expenses aforesaid as they apply to contributions towards the expenses mentioned in the subsection.

(6) Subsection (5) of section one shall not apply, and in lieu thereof the following provision shall have effect:—

"References in section one to local authorities shall, in any case where a county council or a district board of control under the Lunacy (Scotland) Acts, 1857 to 1913, exercise their powers of providing houses for persons in the employment of, or paid by them, include such county council or district board of control as the case may be."

(7) Section six shall have effect as if it included amongst the sections thereby repealed section seven of the Housing, Town Planning, &c.

(Scotland) Act, 1919, and as if in subsection (2) there were substituted for the words "paragraph (*b*) of subsection (2)" the words "paragraph (*b*) of subsection (1)."

(8) Section seven shall not apply, and in lieu thereof the following provision shall have effect:—

"Section fourteen of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which relates to the powers of local authorities for dealing with land acquired or appropriated for the purposes of Part III. of the principal Act) shall have effect as if after the words 'sell' in paragraph (*c*) of subsection (1) thereof the words 'lease or feu' were inserted, and as if after the word 'sell' in paragraph (*d*) of subsection (1) the word 'feu' were inserted, and in subsection (2) of the said section the words from 'subject to any condition' to 'houses erected thereon and' shall be repealed: Provided that where a local authority have sold land acquired by them under the Housing Acts, and the purchaser of the land has entered into any agreement with the local authority concerning the land, the authority shall have power to enforce the agreement 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 agreement was entered into, in like manner and to the like extent as if they had been in possession of or interested in such land."

(9) Subsection (1) of section ten shall not apply and in lieu thereof the following provision shall have effect:—

"Subsection (15) of section fifty-three of the Housing, Town Planning, &c. Act, 1909, shall have effect as respects letting for habitation after the passing of this Act as if for the word 'sixteen,' there were substituted the word 'twenty-six.'"

(10) Section eleven shall apply only in cases where a local authority is authorised to purchase land

compulsorily for the purposes of a scheme under Part I. or Part II. of the principal Act.

(11) Subsection (3) of section twelve shall have effect as if for the references therein to a local Act there were substituted references to any statutory enactment.

(12) Section thirteen shall have effect as if the words " by the Minister " were omitted.

(13) Section nineteen shall apply with the substitution of the words " councils of burghs " and other local authorities are or may be " required " for the words " councils of boroughs " and urban districts are required."

(14) Subsection (2) of section twenty-five of the Housing, Town Planning, &c. (Scotland) Act, 1919, shall have effect as if the following words were therein substituted for the words from " and may recover the expenses " to the end of the subsection :—

" Any expenses incurred by the local authority under this section may be recovered from the owner in a summary manner, together with interest at the prescribed rate, from the date of service of a demand for the same till payment thereof. 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 the prescribed rate from the date of 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 such premises. Interest at the prescribed rate means interest at such rate as the Scottish Board of Health with the approval of the Treasury may from time to time by order, fix, and different rates of interest may be fixed in different cases."

(15) Section eight of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which contains provisions as to assessment of compensation), shall have effect as if for the words " including any

" premises thereon which are in an insanitary " condition or are dangerous or prejudicial to " health " there were substituted the words " including any premises thereon which are " specified in such schemes as being in an " insanitary condition or dangerous or pre- " judicial to health."

(16) Section twenty-three of the Housing, Town Planning, &c. (Scotland) Act, 1919 (which relates to publication of details of progress in connection with approved schemes), shall have effect as if for the words " six months " wherever these words occur there were substituted the words " twelve months."

(17) Notwithstanding anything in any enactment a person shall not, by reason only of the fact that he occupies under any lease or agreement with, or has purchased or agrees to purchase from a local authority within the meaning of Part III. of the principal Act a house belonging to such local authority, be disqualified for being nominated, elected, being or continuing a member of such authority or of any committee thereof.

(18) The following section shall be substituted for section seven of the Housing (Scotland) Act, 1920 :— 10 & 11 Geo. 5. c. 71.

" 7. The rate of interest on advances under section one of the Small Dwellings Acquisition Act, 1899, shall be such rate as the Secretary for Scotland, with the approval of the Treasury, may from time to time by order fix, and different rates may be fixed in different cases."

Repeals and extent.

24.—(1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule subject, however, as respects the enactments mentioned in section six of this Act, to the provisions therein contained.

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

Short title.

25.—(1) This Act may be cited as the Housing, &c. Act, 1923.

(2) The Housing Acts, 1890 to 1921, and Part I. of this Act, may be cited together as the Housing Acts,

1890 to 1923, and are in this Act referred to as the Housing Acts.

(3) The Housing (Scotland) Acts, 1890 to 1921, and Part I. of this Act as applied to Scotland, may be cited together as the Housing (Scotland) Acts, 1890 to 1923, and are in this Act in its application to Scotland referred to as the Housing Acts.

(4) The Town Planning Acts, 1909 and 1919, and Part II. of this Act may be cited together as the Town Planning Acts, 1909 to 1923.

(5) The Town Planning (Scotland) Acts, 1909 and 1919, and Part II. of this Act as applied to Scotland, may be cited together as the Town Planning (Scotland) Acts, 1909 to 1923.

(6) The Small Dwellings Acquisition Acts, 1899 and 1919, and Part III. of this Act, may be cited together as the Small Dwellings Acquisition Acts, 1899 to 1923.

(7) The Small Dwellings Acquisition (Scotland) Acts, 1899 and 1919, and Part III. of this Act as applied to Scotland, may be cited together as the Small Dwellings Acquisition (Scotland) Acts, 1899 to 1923.

SCHEDULES.

Section 15.

FIRST SCHEDULE.

ASSIMILATION OF PROCEDURE UNDER PARTS I. AND II.

1. Where a resolution has been passed by a local authority under Part I. of the principal Act that an improvement scheme ought to be made, all the provisions of the Housing Acts relating to the making, confirming and carrying out of schemes under Part II. of that Act, and as to the assessment of compensation for land taken under such a scheme, shall apply in lieu of the provisions governing such matters in relation to schemes under Part I.

2. The Second Schedule to the principal Act except paragraphs (10) and (12), thereof, shall cease to have effect, but those paragraphs shall apply in the case of schemes made under Part II. as well as in the case of schemes made under Part I. of the principal Act, and so much of paragraph (10) as relates to

the date of the commencement of the title to land shall apply in the case both of land taken compulsorily and of land purchased by agreement.

3. Section forty-one of the principal Act relating to the assessment of compensation shall, in its application to schemes both under Part I. and Part II. of the principal Act, have effect as if references to dwelling-houses included references to other buildings.

4. As respects the County of London, both the London County Council and the metropolitan borough councils shall be local authorities for the purposes of schemes under Part I. and under Part II. of the principal Act, subject to this qualification that where the scheme relates to not more than ten houses the council of the metropolitan borough to the exclusion of the county council shall be the local authority.

COMPENSATION FOR DEMOLITION OF OBSTRUCTIVE BUILDINGS.

5. The provisions of the Housing Acts relating to compensation for obstructive buildings, which are dwelling-houses, and the assessment thereof, shall apply to the case of obstructive buildings which are not dwelling-houses.

6. The compensation payable in respect of the demolition of an obstructive building, the site whereof is retained by the owner, 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.

RECEIPTS AND EXPENDITURE UNDER HOUSING ACTS.

7. So much of the Housing Acts as requires receipts and expenditure of a local authority under Part I. or Part III. of the principal Act to be paid into and out of the Dwelling House Improvement Fund shall cease to have effect.

8. Every local authority shall keep separate accounts of their receipts and expenditure—

(*a*) under Part I. and so much of Part II. of the principal Act as relates to reconstruction schemes;

(*b*) under so much of Part II. of the principal Act as does not relate to such schemes;

(*c*) under Part III. of the principal Act.

SERVICE OF NOTICES.

9. Any notice, order, or other document required or authorised to be served under the Housing Acts may be served either—

(*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.

10. Any notice, order, or other document which is by the Housing Acts 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.

11. Nothing in this Schedule shall affect the provisions of the Housing Acts relating to the service of notices, summons, writs and other proceedings at law or otherwise required to be served on local authorities under those Acts.

Section 16.

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING ACTS.

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70.	
s. 2	The definition of "this Part of this Act" shall be omitted.
s. 5 (2)	For the words "six or more persons liable to be rated to the local rate" and in the case of Scotland for the words "twelve or more persons liable to be rated to the local rate," there shall be substituted the words "four or more local government electors in the district."
s. 26	The whole section shall be omitted.

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70—*cont.*	
s. 29	In the definition of the expression "street" for the purposes of Part I. as well as for the purposes of Part II. of the principal Act there shall be inserted after the word "alley" the words "or passage," and after the words "row of houses" the words "whether a thoroughfare or not." The definition of "closing order" shall be omitted.
s. 31 (1)	For the word "householders" there shall be substituted the words "local government electors."
s. 31 (2)	For the word "householders" there shall be inserted the word "electors."
s. 34 (2)	After the words "thereof to abate," there shall be inserted the words "or alter," and the words "at the expense of the owner" shall be omitted, and after the words "alter the same," there shall be added the words "and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt."
s. 36 (4)	The subsection shall be omitted.
s. 37 (5)	From the words "Any transfer," down to the end of the subsection shall be omitted.
s. 38 (2)	For the words "inhabitant householders of" there shall be substituted the words "local government electors in."
s. 38 (10)	The words "at the expense of the owner thereof" shall be omitted, and after the words "alter the same" there shall be added the words "and the expenses of such abatement or alteration shall be recoverable from the owner summarily as a civil debt."

Enactments to be amended.		Nature of Amendment.
Housing of the Working Classes Act, 1890, 53 & 54 Vict. c. 70—*cont.*		
	s. 39 (1)	In paragraph (*a*) for the words "area of the dwelling-house of which such building" there shall be substituted the words "area of which such building," and in paragraph (*b*) for the words "the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils" there shall be substituted the words "the most satisfactory method of dealing with the said evils is by the demolition or the reconstruction and re-arrangement of the said buildings or of some of them."
	s. 39 (2)	For the words from "be served in "manner provided in Part I. of "this Act" to the end of the sub-section there shall be substituted the words "be published and served "as provided in section seven of "this Act."
	s. 44	The whole section shall be omitted.
	s. 45	For the words "inhabitant house-holders" there shall be substituted the words "four or more local "government electors in the dis-"trict."
	s. 51 (1)	After the words "such owner or officer" there shall be inserted the words "or of the authority."
	s. 51 (2)	The words "at the expiration of ten days after the service of such order" shall be omitted, and for the word "therewith" there shall be substituted the words "with such order."
Housing of the Working Classes Act, 1903, 8 Edw. VII. c. 39.		
	s. 4 (2)	For the words "six or more rate-payers of" and in the case of Scotland for the words "twelve or more ratepayers of" there shall be substituted the words "four or more

Enactments to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1903, 8 Edw. VII. c. 39.—*cont.*	
	local government electors in," and for the words "six or more ratepayers," and in the case of Scotland for the words "twelve or more ratepayers," where those words occur the second time, there shall be substituted the words "four or more local government electors."
Schedule, par. (9)	For the word "dwelling," where that word first occurs, there shall be substituted the word "dwellings."
Schedule, par. (12) (e)	The words "three pounds" shall be substituted for the words "thirty shillings."
Housing, Town Planning, &c. Act, 1909,	
s. 10 (1) (*a*)	For the words "four inhabitant householders of" there shall be substituted the words "justice of the peace acting for the district, or by any four or more local government electors in."
s. 10 (1) (*b*)	For the words "four inhabitant householders of" there shall be substituted the words "any justice of the peace acting for the district, or by any four or more local government electors in."
s. 10 (1) (c)	For the words "four inhabitant householders of" there shall be substituted the words "any justice of the peace acting for the area, or by any four or more local government electors in."
s. 12	For the words "four inhabitant householders of" there shall be substituted the words "justice of the "peace acting for the district, or by "any four or more local government "electors therein."
s. 53 (11) (*a*)	For the words "four inhabitant householders of" there shall be substituted the words "four or "more local government electors "in."

Enactments to be amended.		Nature of Amendment.
Housing, Town Planning, &c. Act, 1909—*cont.*		
	s. 53 (11) (*b*)	For the words "four inhabitant householders of" there shall be substituted the words "four or "more local government electors "in."
	s. 59 (1)	After the words "if or so far as the provisions" there shall be inserted the words "are also contained in "any public general or local Act "or order having the force of an "Act of Parliament in force in the "area or."
	s. 69 (2)	After the words "medical officer of health of a" there shall be inserted the word "county."
Housing, Town Planning, &c. Act, 1919,		
	s. 8 (3)	After the words "to acquire" wherever they occur there shall be inserted the words "or appropriate."
	s. 26 (2)	For the words "the Public Health Acts" there shall be substituted the words "the Public Health Act, 1875, "or the Public Health (London) "Act, 1891, as the case may be."
	s. 26 (4)	For the words "subsection (5) of section "tion fifteen of the Housing, Town "Planning, &c. Act, 1909," there shall be substituted the words "section twenty-eight of this Act," and for the words "as if the owner or "other person were the landlord and "with such other" there shall be substituted the words "with such."
	s. 32	At the end the following words shall be inserted "and in the event of "the offence continuing after conviction thereof to a further fine not "exceeding five pounds for each day "on which the offence is continued "after such conviction."
	s. 35	For the words "(War Restrictions) Act, 1915," there shall be substituted the words "(Restrictions) Act, 1920."

Enactments to be amended.	Nature of Amendment.
Housing, Town Planning, &c. (Scotland) Act, 1919 (9 & 10 Geo. V. c. 60).	
s. 24	At the end of each of subsection (1) and subsection (2) the following words shall be inserted " and in the " event of the offence continuing after " conviction thereof to a further pen- " alty not exceeding five pounds for " each day on which the offence is " continued after such conviction."
s. 29	For the words " (War Restrictions) Act, 1915," there shall be substituted the words " (Restrictions) Act, 1920."

THIRD SCHEDULE.

Section 24.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	In section seven paragraphs (*c*) and (*d*). Section twenty. Section twenty-one. Section twenty-four. Subsections (5) (7) (8) (9) (10) and (11) of section forty-one. Section forty-nine. Paragraph (i) of section sixty-five. Subsection (1) of section eighty. The Second Schedule except paragraphs (10) and (12).
62 & 63 Vict. c 44.	The Small Dwellings Acquisition Act, 1899.	In section one the words from " any " advance shall " not " to " the " ownership; nor " and the word " and "

Session and Chapter.	Short title.	Extent of Repeal.
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Subsection (1) of section thirteen.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	Subsections (3) (4) (5) (6) and (8) of section fifteen. Section thirty. In subsection (1) of section fifty-nine in its application to Scotland the words "or are contained " in any general " Act or local Act " or order in force " in the area."
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c Act, 1919.	Section seven. Proviso to paragraph (*d*) of subsection (1) of section fifteen, and in subsection (2) of the same section the words from "subject to " any condition" to "houses erected " thereon; and ". Section sixteen. Section nineteen.
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section five. Section seven In subsection (2) of section fourteen the words from "subject to any condition" to "houses erected " thereon; and ". Section sixteen.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Sections one and two, except so far as they relate to Scotland. Sections three and four.
10 & 11 Geo. 5. c. 71.	The Housing (Scotland) Act, 1920.	Section seven.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921.	Section one and section eight.