CHAPTER 48.

An Act to make fresh arrangements for the making of contributions grants and loans in connection with the provision of housing accommodation; to provide for matters subordinate to that purpose; to amend the enactments which relate to the making of contributions in respect of housing accommodation; to amend the law relating to the housing accounts of local authorities; and to facilitate the provision of housing accommodation in the Isles of Scilly. [18th April 1946.]

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:—

Contributions for houses completed after passing of this Act.

Exchequer contributions in respect of housing accommodation provided by local authorities.

1.—(1) In respect of each new house provided by a local authority in the exercise of their powers to provide housing accommodation, being a house which—

(*a*) is completed after the passing of this Act; and

(*b*) is approved for the purposes of this Act by the Minister of Health (hereinafter referred to as "the Minister");

the Minister shall, subject to the provisions of this Act, pay to that local authority, for each of the sixty years following the completion of the house, an annual contribution (hereinafter referred to as an "annual exchequer contribution").

(2) Subject to the provisions of this Act, the amount of each annual exchequer contribution shall be that one of the standard amounts hereinafter mentioned which is appropriate to the house in respect of which the contribution is payable.

General standard amount of exchequer contributions.

2. Subject to the following provisions of this Act, the standard amount of the annual exchequer contribution for any house shall be sixteen pounds ten shillings.

The said amount is hereinafter referred to as the "general standard amount".

Special standard amount of exchequer contributions.

3.—(1) For a house provided by the council of a county district by way of housing accommodation required for the agricultural population of their district, the standard amount of the annual exchequer contribution shall, subject to the following provisions of this Act, be twenty-five pounds ten shillings.

The said amount is hereinafter referred to as the "special standard amount".

(2) Where the Minister is satisfied, on an application made to him by the council of a county district with respect to any house which the council have provided or intend to provide—

(*a*) that, apart from this subsection, the standard amount of the annual exchequer contribution for the house would be, or would be calculated by reference to, the general standard amount;

(*b*) that the average rent of houses in the district occupied by wage earning workers, or by persons whose economic condition is similar to that of wage earning workers, is, where the district is a borough or urban district, substantially less than the average rent of houses so occupied in non-county boroughs and urban districts in England generally, and, where the district is a rural district, substantially less than the average rent of houses so occupied in rural districts in England generally; and

(*c*) that when the amount of the expenditure incurred or to be incurred by the council of the county district under the enactments relating to housing is considered in relation to the financial resources of the district, the provision of the house with respect to which the application is made would impose an undue burden on the district, unless the standard amount of the annual exchequer contribution for the house is determined in accordance with this subsection;

then, if the Minister thinks fit so to determine, the standard amount of the annual exchequer contribution for the house with respect to which the application is made shall, subject to the following provisions of this Act, be the special standard amount:

Provided that in exercising his powers under this subsection the Minister shall have regard to any conditions which may be laid down by the Treasury.

Standard amount of exchequer contributions for flats, etc., on expensive sites.

4.—(1) For a flat provided in a block of flats on a site the cost of which as developed (ascertained in accordance with Part I of the First Schedule to this Act) exceeds one thousand five hundred pounds per acre, the standard amount of the annual exchequer contribution shall, subject to the following provisions of this Act, be determined in accordance with the Table contained in Part II of the said First Schedule:

Provided that where the whole or any part of a block of flats on such a site as aforesaid is of at least four storeys (including any storey which is constructed for use for purposes other than those of a dwelling), and expenditure has been incurred in installing lifts in the block, then, if the Minister thinks fit so to determine in relation to any of the flats in the block, the standard amount of the annual exchequer contribution for that flat shall, subject as aforesaid, be determined in accordance with the Table contained in Part III of the said Schedule.

(2) Where a house (not being a flat in a block of flats)—

(*a*) is provided on a site the cost of which as developed (ascertained in accordance with Part I of the First Schedule to this Act) exceeds one thousand five hundred pounds per acre; and

(*b*) is provided under a scheme of development which makes provision also for the erection of one or more blocks of flats on the same site as the house;

then, if the Minister thinks fit so to direct, the standard amount of the annual exchequer contribution for that house shall be determined in accordance with the Table contained in Part II of the said First Schedule.

(3) Any question as to what constitutes a separate site for the purposes of this section and of the said First Schedule shall be determined by the Minister.

(4) For the purposes of any such determination—

(*a*) where two buildings are contiguous to each other, or are separated from each other by a street only, the two buildings shall, if the Minister thinks proper, be deemed to be on the same site; and

(*b*) where any land is purchased in connection with the provision of a building, and is to be used for the purposes of a new street to which the building will be contiguous, that land shall be deemed to form part of the site of the building.

In this subsection the expression " building " includes any land appertaining to a building, and any land appropriated for the purposes of a building which has not been erected.

Local authorities' contributions.

5.—(1) In respect of each house in respect of which annual exchequer contributions are payable, the local authority by whom the house was provided shall pay out of the general rate fund, for each of the sixty years following the completion of the house, an annual contribution (hereinafter referred to as an " annual rate fund contribution ").

(2) Subject to the provisions of this Act, the amount of each annual rate fund contribution shall be that one of the normal amounts hereinafter mentioned which is appropriate to the house in respect of which the contribution is payable.

(3) Subject to the following provisions of this Act, the normal amount of the annual rate fund contribution for any house shall be five pounds ten shillings.

(4) Where the standard amount of the annual exchequer contribution for a house is the special standard amount, the normal amount of the annual rate fund contribution for the house shall, subject to the following provisions of this Act, be one pound ten shillings.

(5) Where the standard amount of the annual exchequer contribution for a house is determined in accordance with the Table contained in Part II of the First Schedule to this Act, the normal amount of the annual rate fund contribution for the house shall, subject to the following provisions of this Act, be determined in accordance with that Table.

(6) Where the standard amount of the annual exchequer contribution for a house is determined in accordance with the Table contained in Part III of the said First Schedule, the normal amount of the annual rate fund contribution for the house shall, subject to the following provisions of this Act, be determined in accordance with that Table.

(7) In relation to a house provided by the London County Council, subsection (1) of this section shall have effect with the substitution for the reference to the general rate fund of a reference to the county fund.

Housing schemes involving expenditure on rights of support, etc.

6. Where the Minister is satisfied, on an application made to him by a local authority with respect to any house which the authority have provided or intend to provide, that the cost of providing the house has been or will be substantially enhanced by expenses attributable to the acquisition of rights of support, or otherwise attributable to measures taken by the authority for

securing protection against the consequences of a subsidence of the site, then, if the Minister thinks fit so to determine—

(*a*) the standard amount of the annual exchequer contribution for the house shall be the standard amount of the annual exchequer contribution for the house, as ascertained in accordance with the preceding provisions of this Act, plus such sum not exceeding two pounds as the Minister may determine; and

(*b*) the normal amount of the annual rate fund contribution for the house shall be the normal amount of the annual rate fund contribution for the house, as ascertained in accordance with the said provisions, plus one half of the sum by which the standard amount of the annual exchequer contribution is increased under this section.

Reduction of local authorities' contributions in certain cases, and corresponding increase of exchequer contributions.

7.—(1) Where the Minister is satisfied, on an application made to him by a local authority to whom this section applies with respect to any house which the authority have provided or intend to provide—

(*a*) that the average amount in the pound per year of the general rates levied by that authority for the three financial years immediately preceding the receipt of the application exceeds, by at least one-quarter, the average amount in the pound per authority per year of the general rates levied for those financial years by all local authorities of the same class; and

(*b*) that, for the last financial year for which adequate information is available, the rate burden of the authority in respect of housing was at least half as much again as the average rate burden in respect of housing of all local authorities of the same class for that year;

then, if the Minister thinks fit so to determine, every annual rate fund contribution payable in respect of the house with respect to which the application is made shall, instead of being of the normal amount, be of such reduced amount, not being less than one half of the normal amount, as the Minister thinks proper.

(2) Where the annual rate fund contributions payable in respect of a house are so reduced as aforesaid, the amount of every annual exchequer contribution payable in respect of the house shall be the sum of—

(*a*) the standard amount of the annual exchequer contribution for the house; and

(*b*) the amount by which each of the annual rate fund contributions payable in respect of the house has been so reduced.

(3) In exercising his powers under the preceding provisions of this section the Minister shall have regard to any conditions which may be laid down by the Treasury.

(4) For the purposes of subsection (1) of this section—

(*a*) where a local authority levy a general rate for part only of a financial year, the amount in the pound of the general rate levied by the authority for that year shall be the sum of the amounts in the pound of all general rates levied by the authority for periods falling within the year;

(*b*) the rate burden of an authority in respect of housing for any financial year is an amount in the pound representing the rate which, in the opinion of the Minister, it would have been necessary for the authority to levy for that year in order to raise the total sum which it was proper for them to carry to the credit of their Housing Revenue Account for the year in compliance with paragraph (*e*) of subsection (1) of section one hundred and twenty-nine of the principal Act; and

(*c*) local authorities shall be classified in such manner as the Minister thinks appropriate having regard to the conditions governing the provision of housing accommodation for their respective areas.

(5) The local authorities to whom this section applies are the councils of county boroughs, county districts and metropolitan boroughs.

County council contributions.

8.—(1) Where annual exchequer contributions of the special standard amount, or of that amount as increased in accordance with any of the provisions of the last two preceding sections, are payable in respect of any house to the council of a county district, the council of the county in which the district is situated shall, subject to the provisions of this Act, pay to the council of the district in respect of that house, for each of the sixty years following the completion of the house, an annual contribution of one pound ten shillings.

The said contributions are hereinafter referred to as "county council contributions",

(2) Without prejudice to their duties under the preceding subsection, the council of a county may, with the consent of the Minister, undertake to pay to the council of any county district situated in the county, in respect of any house provided by the council of the district with the approval of the Minister, an annual contribution of such amount and payable for such number of years as may be specified in the undertaking.

(3) After the passing of this Act, no undertaking shall be given under subsection (4) of section one hundred and fifteen of the principal Act (which relates to the power of county councils to make contributions in respect of houses provided by the councils of rural districts).

(4) A local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account (in addition to the amounts which they are required to carry to the credit of that account under section one hundred and twenty-nine of the principal Act) amounts equal to the contributions, if any, payable to the authority by the county council under this section.

Transitional provisions.

Provisions relating to contributions under 1 & 2 Geo. 6. c. 16.

9.—(1) After the passing of this Act, no contributions shall be payable in respect of a house under section one or section two of the Housing (Financial Provisions) Act, 1938, unless the approval of the Minister for the purposes of either of those sections has been given in respect of the house before the third day of August, nineteen hundred and forty-four.

(2) Where the Minister has, on or after the third day of August, nineteen hundred and forty-four, and before the passing of this Act, given his approval in respect of a house for the purposes of either of the said sections, and the house has been completed before the passing of this Act, then—

(*a*) this Act shall, for the purposes of the payment of contributions in respect of that house, be deemed to have been passed immediately before the completion of the house;

(*b*) the house shall be deemed to have been approved by the Minister for the purposes of this Act; and

(*c*) any sums which have, before the passing of this Act, been paid in respect of the house on account of contributions under the said Act of 1938 shall, so far as is practicable, be applied in or towards the satisfaction of any contributions which become payable in respect of the house by virtue of this Act and are due immediately after the passing thereof, and, except in so far as they are so applied, shall be repayable to the person by whom they were paid.

(3) Section forty-eight of the Town and Country Planning Act, 1944 (which provides for extending the duty of the Minister to make contributions under section one of the said Act of 1938) is hereby repealed. 7 & 8 Geo. 6. c. 47.

Contributions in special cases.

Contributions for certain houses provided by local authorities since 1939.

10.—(1) The provisions of this section shall have effect in relation to any house which—

(*a*) is provided by a local authority in the exercise of their powers to provide housing accommodation;

(*b*) is completed after the thirty-first day of December, nineteen hundred and thirty-nine, otherwise than in pursuance of a contract made with a building contractor on or before that date;

(*c*) is a house for the construction of which building operations have begun before the passing of this Act; and

(*d*) is not a house which has in fact been approved by the Minister for the purposes of this Act, or is deemed to have been so approved by virtue of the preceding provisions of this Act.

(2) If the Minister, with the consent of the Treasury, so determines, there shall, subject to the provisions of this section, be payable in respect of any such house the like annual exchequer contributions, the like annual rate fund contributions and the like county council contributions (if any) as would have been payable if—

(*a*) the house had been approved by the Minister for the purposes of this Act; and

(*b*) in the case of a house completed before the passing of this Act, this Act had been passed before the completion of the house.

(3) Where contributions are payable in respect of a house under the last preceding subsection, the Minister shall have power to give such directions for all or any of the following purposes as he thinks appropriate having regard to the circumstances, and, in particular, having regard to the date when the house was completed and to any payments which have been made in respect of the house out of moneys provided by Parliament—

(*a*) for reducing the number of the contributions so payable in respect of the house;

(*b*) for reducing the amount of any such contribution;

(*c*) for altering the period in respect of which any such contribution is payable.

(4) No contributions shall, after the passing of this Act, be paid under the Housing (Financial Provisions) Act, 1938, in respect of any house in respect of which the Minister has determined that contributions are to be paid under this section.

Contributions for certain houses provided by housing associations since 1939.

11.—(1) Where a house—

(*a*) is provided by a housing association, otherwise than in pursuance of an arrangement made by a local authority with the association under section ninety-four of the principal Act; and

(*b*) is a house for the construction of which building operations began between the end of December, nineteen hundred and thirty-nine, and the passing of this Act, otherwise than in pursuance of a contract made with a building contractor before the said end of December;

then, if the Minister, with the consent of the Treasury, thinks fit so to determine, the like annual exchequer contributions shall be paid to the association in respect of the house as would, in the opinion of the Minister, have been payable by virtue of the last preceding section in respect thereof to the local authority in whose area the house is situated if the house had been provided by that authority in the exercise of their powers to provide housing accommodation.

(2) If the Minister is satisfied that, after taking account of any contributions payable in respect of any such house under the preceding subsection, the house cannot, without loss to the association concerned, be let at a rent within the means of the actual or potential tenants of the house, the Minister may, with the consent of the Treasury, pay to the association, for each period in respect of which a contribution is payable under the preceding subsection, an additional contribution under this subsection:

Provided that the amount of any contribution payable under this subsection shall not exceed what in the opinion of the Minister would have been the amount of each annual rate fund contribution which would have been payable in respect of the house if the condition specified in the preceding subsection had been fulfilled.

Contributions in respect of temporary housing accommodation provided in certain war buildings.

12.—(1) Where, whether before or after the passing of this Act, a local authority have, for the purpose of discharging any of their duties under Part V of the principal Act, acquired the right to use any government war buildings, and the Minister has approved for the purposes of this section arrangements made by the authority for using those buildings, whether with or without alterations, for providing temporary housing accommodation, then—

(*a*) if the Minister estimates that the authority will incur a loss in any year in respect of the provision of housing accommodation in pursuance of the arrangements, the Minister shall make to the authority a contribution for that year of a sum equivalent to the estimated loss; and

(*b*) if the Minister estimates that the authority will make a profit in any year in respect of the provision of housing accommodation in pursuance of the arrangements, the authority shall pay to the Minister in respect of that year a sum equivalent to the estimated profit.

(2) For the purposes of any such estimate, there shall be deemed to accrue to a local authority, in respect of any house provided by the authority in pursuance of any such arrangements as aforesaid, in addition to any other income accruing from the house—

(*a*) where the authority are the council of a rural district, the sum of six pounds a year; and

(*b*) in any other case, the sum of eight pounds a year.

(3) Where any buildings are demolished by a local authority upon ceasing to be used for the purpose of providing housing accommodation in pursuance of such arrangements as aforesaid, then—

(*a*) the Minister shall pay to the authority the cost of demolition; and

(*b*) any sums realised by the authority by the disposal of materials derived from the demolished buildings shall be paid by the authority to the Minister.

(4) In this section the expression "government war building" means any building which constitutes government war works as defined by section fifty-nine of the Requisitioned Land and War Works Act, 1945, and the expression "alterations" includes adaptations, enlargements and improvements.

8 & 9 Geo. 6. c. 43.

Provisions as to contributions under other Acts.

Amendment of section 3 of 1 & 2 Geo. 6. c. 16.

13.—(1) Section three of the Housing (Financial Provisions) Act, 1938 (which provides for the making by the Minister of contributions in respect of agricultural housing accommodation provided by persons other than local authorities) shall, in relation to a new house completed in pursuance of arrangements made under that section after the passing of this Act, have effect as if, in subsection (1) thereof, for the words "not exceeding ten pounds" there were substituted the words "not exceeding fifteen pounds".

(2) In relation to arrangements made under the said section three after the passing of this Act, the section shall have effect as if, for paragraph (*b*) of subsection (1) thereof, there were substituted the following paragraph:—

"(*b*) if let, is let at a rent not exceeding such rent as in the opinion of the council it would have been appropriate for the council to charge if the house had been provided by the council."

(3) In respect of a new house completed after the passing of this Act, no contribution shall be payable under the said section three for any year during the whole or any part of which the house has been occupied by a person who was not the owner or a tenant of the house.

Effect on certain contributions of a house ceasing to be available as such.

14.—(1) Where under any of the provisions specified in the Second Schedule to this Act (being provisions in pursuance of which payments may be made by the Minister or by local authorities by way of financial assistance in connection with the provision or improvement of housing accommodation) a periodical payment would, apart from this section, have fallen to be made after the passing of this Act in respect of a house to any person other than a local authority, that payment shall not be made if, before the making thereof, the Minister is satisfied that, during the whole or the greater part of the period to which the payment is referable, the house has not been available as a dwelling fit for habitation:

Provided that nothing in this subsection shall prevent the making of a periodical payment in respect of any house if the Minister is satisfied that the house could not with reasonable diligence have been made available, during the whole or the greater part of the period to which the payment is referable, as a dwelling fit for habitation.

Any question as to the period to which any payment is referable shall be determined for the purposes of this subsection by the Minister.

(2) Where the power or duty of a local authority to make any payment is wholly or partly discharged by virtue of the preceding subsection, the Minister may make such consequential reductions as he thinks appropriate in any sum payable by him to the authority.

(3) In this section the expression "local authority" includes any authority which is a local authority for the purposes of the Housing (Rural Workers) Acts, 1926 to 1942.

Effect on certain contributions of a house vesting in a local authority.

15.—(1) Where a house which has been provided by a housing association under arrangements made with a local authority under section ninety-four of the principal Act becomes vested in that authority after the passing of this Act—

(*a*) no further sums shall, after the time of the vesting, become payable by the Minister or by the authority in respect of the house under subsection (3) of the said section ninety-four; and

(*b*) the Minister may, if he thinks fit, pay to the authority a sum equivalent to any contribution which would, after the said time, have become payable to the authority in respect of the house under the said subsection (3) if

all conditions precedent to the payment of that contribution had been at all material times observed.

(2) Where a house which has been provided under arrangements made by a local authority under section three of the Housing (Financial Provisions) Act, 1938, becomes vested in that authority after the passing of this Act—

(*a*) no further sums shall, after the time of the vesting, become payable by the Minister or by the authority in respect of the house under the said section three; and

(*b*) whether the conditions specified in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of the said section three are observed or not, the Minister may, if he thinks fit, pay to the authority a sum equivalent to any contribution which would, after the said time, have become payable by him to the authority in respect of the house if all conditions precedent to the payment of that contribution had been at all material times observed.

Review of contributions.

Review of contributions.

16.—(1) Subject to the provisions of this section, the Minister may from time to time by order provide, in relation to new houses completed after such date, not being earlier than the thirtieth day of June, nineteen hundred and forty-seven, as may be specified in the order—

(*a*) for reducing all or any of the standard amounts of the annual exchequer contribution;

(*b*) for reducing all or any of the normal amounts of the annual rate fund contribution;

(*c*) for reducing the amount of county council contributions;

(*d*) for reducing the number of years for which any such contributions are to be paid.

(2) The provisions of any such order shall be such as to secure, except in relation to houses for which the standard amount of the annual exchequer contribution is the special standard amount, or that amount as increased under section six of this Act, that the proportion which the standard amount of the annual exchequer contribution for any house bears to the normal amount of the annual rate fund contribution for that house is not more than three to one and is not less than two to one.

(3) Before the Minister makes an order under this section, a draft thereof shall be laid before the Commons House of Parliament, and the order shall not be made unless that House, within the period of forty days beginning with the day on which the draft is laid before it, passes a resolution approving the draft.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

(4) No draft of an order under this section shall be laid before the Commons House of Parliament before the first day of January, nineteen hundred and forty-seven.

(5) The Minister shall, immediately after the beginning of December in the year nineteen hundred and forty-six, consider whether it is expedient that an order should be made under this section, and, if after such consideration he is of opinion that no such order should for the time being be made, he shall lay before the Commons House of Parliament a report stating his decision.

(6) Before laying a draft of an order under this section before the Commons House of Parliament, the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(7) Section one hundred and nine of the principal Act and section five of the Housing (Financial Provisions) Act, 1938, are hereby repealed; and this repeal shall be deemed to have taken effect as from the end of September, nineteen hundred and forty-four.

Grants for houses not constructed by traditional methods.

Grants towards the cost of providing houses constructed by special methods approved by the Minister.

17.—(1) Where, with a view to expediting the provision of housing accommodation, the Minister approves for the purposes of this section any method of constructing houses which differs from the traditional methods, and—

(*a*) at any time before the end of December, nineteen hundred and forty-seven, a local authority submit to the Minister proposals for providing, in the exercise of their functions under Part V of the principal Act, a new house constructed by a method so approved;

(*b*) the Minister is satisfied that the cost to the authority of providing the house will exceed the cost which the authority would incur in providing on the same site a house of similar size constructed by a traditional method, and that the amount of the excess will be substantial; and

(*c*) the Minister, with the consent of the Treasury, determines that the authority ought to receive a grant under this section towards defraying the excess, and determines the amount of the grant which is appropriate for that purpose;

then, upon the completion of the house, the Minister shall make to the authority in respect of the house a grant of the amount so determined.

In the following provisions of this Act the expression " capital grant " means a grant payable under this section.

(2) The provisions of this section shall be without prejudice to any power or duty of the Minister to make any payment in respect of a house under any other provision of this Act.

Housing associations.

Provisions with respect to housing associations established in pursuance of arrangements made by the Minister.

18.—(1) If, in pursuance of arrangements made by the Minister, there is established after the passing of this Act a housing association whose objects include both the construction of houses and the provision and management of houses, the following provisions of this section shall have effect with respect to that association, and any such association is hereafter in this section referred to as " the association ".

(2) If the Minister is satisfied that the total net expenditure of the association in any year, calculated in such manner as he may with the consent of the Treasury determine, being expenditure necessarily incurred by the association—

(*a*) for the purpose of the execution of arrangements made with the association under section ninety-four of the principal Act; or

(*b*) for the purpose of the execution of work which the association have been employed by a local authority to undertake in connection with the provision by the authority of housing accommodation;

cannot be met without the provision of assistance under this subsection, he may, with the approval of the Treasury, make such payments by way of grant to the association as he may determine to be necessary for the purpose of enabling them to meet that expenditure:

Provided that no payment shall be made by the Minister under this subsection in respect of any expenditure incurred by the association for the purpose of the execution of any arrangements for the provision of houses made with the association under the said section ninety-four unless, in respect of each house provided by the association under the arrangements, the association are entitled to receive, in addition to the sums payable by the Minister under subsection (3) of the said section ninety-four, a grant from the appropriate local authority of an amount not less than the annual rate fund contribution which, in the opinion of the Minister, would have been payable by the authority in respect of that house if the authority had, in the exercise of their powers to provide housing accommodation, provided the house themselves.

(3) Subject to the provisions of this section, the Treasury may issue to the Minister, out of the Consolidated Fund of the United Kingdom or the growing produce thereof, such sums as are necessary to enable the Minister to make loans to the association for the purpose of enabling or assisting the association to defray—

(*a*) any preliminary expenses incurred in connection with the establishment of the association ;

(*b*) any expenses incurred by the association for the purpose of the execution of arrangements made under section ninety-four of the principal Act ; or

(*c*) any expenses of the association in respect of work which the association have been employed by a local authority to undertake in connection with the provision by the authority of housing accommodation.

(4) The power of the Treasury, under subsection (1) of section one of the Building Materials and Housing Act, 1945, to advance money to the Minister of Works out of the Consolidated Fund of the United Kingdom or the growing produce thereof shall include power, subject to and in accordance with the provisions of that section, to advance money to that Minister for the purpose of defraying his expenses in carrying out work on behalf of and at the request of the association, being— 9 & 10 Geo. 6. c. 20.

(*a*) work which the association have been employed by a local authority to undertake in connection with the provision by the authority of housing accommodation ; or

(*b*) work in connection with the execution of arrangements made under section ninety-four of the principal Act.

(5) The total amount issued by the Treasury under subsection (3) of this section, after deducting any sums which have been repaid, shall not at any time exceed fifteen million pounds.

(6) For the purpose of providing sums to be issued under subsection (3) of this section, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939 ; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939. 2 & 3 Geo. 6. c. 117.

(7) The Minister shall, as respects each financial year in which sums are outstanding from the Exchequer in respect of money issued to him under subsection (3) of this section, prepare, in such form and manner as the Treasury may direct, an account of those sums.

Any account prepared under this subsection shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller

and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before Parliament.

Miscellaneous and general.

Duty of local authorities to reserve houses for agricultural population.

19.—(1) Where any annual exchequer contributions to which this section applies are payable to the council of a county district, the council shall secure that a number of houses equal to the number of houses in respect of which such contributions are payable to the council is reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district on the part of members of the agricultural population can be satisfied without such reservation.

(2) This section applies to any annual exchequer contribution the amount of which has been determined on the assumption that the house in respect of which it is payable was provided by way of housing accommodation required for the agricultural population of the county district concerned.

(3) Where, on the ground that the council of a county district have failed to discharge the duties imposed on them by this section, the Minister so exercises his powers under section one hundred and thirteen of the principal Act that either—

(*a*) the amount of the annual exchequer contribution payable to the council in respect of a house for any year is reduced; or

(*b*) the annual exchequer contribution which would otherwise have been payable to the council in respect of a house for any year is not payable;

no county council contribution shall be payable to the council in respect of that house for that year.

Power of Minister to withhold or reduce contributions in case of default.

20. Without prejudice to the powers of the Minister under section one hundred and thirteen of the principal Act, in a case where a local authority have failed to discharge their duty to make any contribution which they are required to make by virtue of the Housing Acts, to reduce the amount of any Exchequer contribution, or to suspend or discontinue the payment of any such contribution, subsection (4) of section six of the Housing (Financial Provisions) Act, 1938, is hereby repealed.

Amendment of law as to housing accounts.

21.—(1) Where a house is for the time being vested in a local authority by reason of the default of any person in carrying out the terms of any arrangements under which assistance in respect of the provision, reconstruction or improvement of the house has been given under any enactment relating to housing, the house shall be deemed for the purposes of section one hundred and twenty-eight of the principal Act (which specifies the houses

with respect to which a local authority are required to keep a Housing Revenue Account) to be a house which has been provided by the authority under Part V of the principal Act.

(2) A local authority who are required to keep a Housing Revenue Account shall carry to the credit of that account amounts equal to any sums paid to the authority under—

(*a*) paragraph (*a*) of subsection (1) of section one of the Housing &c. Act, 1923; 13 & 14 Geo. 5. c. 24.

(*b*) subsection (1) of section four of the Housing (Rural Workers) Act, 1926; or 16 & 17 Geo. 5. c. 56.

(*c*) section nine of the Housing (Financial Provisions) Act, 1938;

in respect of a house which, at the time when the payment is made, is vested in the authority.

(3) Where any surplus is shown in a Housing Revenue Account at the end of any financial year, the local authority shall have power to apply that surplus, in whole or in part, to any purpose which the Minister may approve, being a purpose connected with the provision of housing accommodation; and so much only of any surplus as remains after effect has been given to the preceding provisions of this subsection shall be available for application in accordance with section one hundred and thirty of the principal Act (which relates to the disposal of surpluses shown in Housing Revenue Accounts).

(4) Section one hundred and thirty-one of the principal Act (which requires certain local authorities to carry sums to the credit of the Housing Repairs Account in each financial year) shall, in relation to the financial year beginning on the first day of April, nineteen hundred and forty-six and each subsequent financial year, have effect as if for the words "an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of rates or water charges)" there were substituted the words "four pounds".

(5) A local authority shall not, after the passing of this Act, be required by virtue of section one hundred and thirty-two of the principal Act to keep a Housing Equalisation Account unless they think it desirable to do so, and accordingly—

(*a*) in relation to periods after the passing of this Act, subsection (1) of the said section shall have effect as if after the word "shall", where that word first occurs in the subsection, there were inserted the words "if they think it desirable", and as if after the word "shall", where that word secondly occurs in the subsection, there were inserted "if they keep such an account"; and

(*b*) subsection (2) of the said section is hereby repealed.

(6) Where a local authority close their Housing Equalisation Account, they shall carry to the credit of their Housing Revenue Account any sums standing to the credit of their Housing Equalisation Account when it is closed.

Provision of housing accommodation in Isles of Scilly.

23 & 24 Geo. 5. c. 51.

22.—(1) Without prejudice to his powers under section two hundred and ninety-two of the Local Government Act, 1933, the Minister may, upon the application of the council of the Isles of Scilly, by order confer or impose upon that council such functions relating to the provision of housing accommodation in the Isles of Scilly as the Minister thinks appropriate.

(2) An order made under this section may provide for the making by the Minister and by the said council of contributions in respect of houses provided in pursuance of such an order.

(3) An order made under this section may contain such incidental and consequential provisions, including provisions conferring powers or imposing duties on the said council, as the Minister thinks necessary.

(4) An order made under this section may be revoked or varied by a subsequent order made by the Minister on the application of the said council.

(5) Any order made under this section shall be laid before Parliament immediately after it has been made, and if either House of Parliament, within the period of forty days beginning with the day on which any such order is laid before it, resolves that the order be annulled, the order shall cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 & 57 Vict. c. 66.

(6) Section one of the Rules Publication Act, 1893, shall not apply to any such order.

Expenses and receipts of Minister.

23.—(1) All sums payable by the Minister under this Act, including any sum payable by the Minister by virtue of an order made under the last preceding section, but excluding any sum payable by the Minister as a loan, shall be defrayed out of moneys provided by Parliament.

(2) All sums received by the Minister under this Act, and any sums received by him by way of interest on or repayment of any loan made out of money issued to him by the Treasury under this Act, shall be paid into the Exchequer.

(3) Any sums received by the Minister by way of interest on or repayment of any such loan as aforesaid and paid into the Exchequer under the last preceding subsection shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct and shall be applied by the Treasury as follows—

(*a*) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and

(*b*) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this paragraph, have fallen to be paid out of the permanent annual charge for the National Debt.

Adaptations of principal Act.

24. The provisions of the principal Act specified in the Third Schedule to this Act shall have effect subject to the adaptations therein specified.

Interpretation.

25.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

"agricultural population" has the meaning assigned to it by subsection (2) of section one hundred and fifteen of the principal Act;

"block of flats" means a building which is a block of flats for the purposes of the Housing (Financial Provisions) Act, 1938;

"housing association" has the meaning assigned to it by section one hundred and eighty-eight of the principal Act;

"local authority" means any authority which is a local authority for the purposes of any provision of the Housing Acts, 1936 to 1944;

"owner", in relation to a house, means a person entitled to a freehold interest therein;

"the principal Act" means the Housing Act, 1936; 26 Geo. 5 & 1 Edw. 8. c. 51.

"street" includes any court, alley, passage or square, whether a thoroughfare or not, and includes a public highway;

"tenant", in relation to a house, means a person entitled to a leasehold interest therein, and the expression "leasehold interest" includes an interest subsisting under any tenancy.

(2) In this Act the expression "house" includes any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and, in particular, includes a flat:

Provided that where a building is designed for permanent use as a single dwelling, it shall be treated as a single house for the purposes of this Act notwithstanding that it is temporarily divided into two or more parts which are occupied or intended to be occupied as separate dwellings.

(3) References in this Act to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment, including this Act.

Short title, citation and extent.

26.—(1) This Act may be cited as the Housing (Financial and Miscellaneous Provisions) Act, 1946, and the Housing Acts, 1936 to 1944, and this Act may be cited together as the Housing Acts, 1936 to 1946.

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

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS FOR ASCERTAINING THE VALUE OF CERTAIN SITES, AND THE AMOUNT OF CONTRIBUTIONS IN RESPECT OF FLATS ON SUCH SITES. Sections 4 and 5.

PART I.

1. For the purposes of this Act the cost of a site as developed shall be—

(*a*) in the case of a site purchased by a local authority under any enactment relating to housing, the expenditure incurred by the authority in purchasing the site; and

(*b*) in any other case, the value of the site as certified by the Minister;

plus, in either case, a sum representing any such expenses as are specified in paragraph 2 of this Part of this Schedule.

2. The said expenses are—

(*a*) any such expenses as in the opinion of the Minister are properly incurred for making the site suitable for the purpose of providing the houses to be provided thereon, being expenses incurred by the local authority in the construction or the widening of streets, the construction of sewers or the execution of any special works rendered necessary by the physical characteristics of the land; and

(*b*) any such expenses incurred in respect of other matters as the Minister, with the consent of the Treasury, may determine to be expenses properly forming part of the cost of making the site suitable for the said purpose.

3. In determining for the purposes of this Part of this Schedule the amount of any such expenses as aforesaid, the Minister shall have regard to any estimate of those expenses submitted to him by the local authority.

4. Where any such expenses as aforesaid have been incurred in relation to a site, the value of the site shall be taken for the purposes of this Part of this Schedule to be the value of the site in the condition in which it would be if those expenses had not been incurred.

1ST SCH. —*cont.*

PART II.

TABLE.

Cost per acre of site as developed.	*Standard amount of annual exchequer contribution.*	*Normal amount of annual rate fund contribution.*
More than £1,500 but not more than £4,000	£ s. d. 28 10 0	£ s. d. 9 10 0
More than £4,000 but not more than £5,000	30 0 0	10 0 0
More than £5,000 but not more than £6,000	30 15 0	10 5 0
More than £6,000 but not more than £8,000	31 10 0	10 10 0
More than £8,000 but not more than £10,000 ...	33 15 0	11 5 0
More than £10,000 but not more than £12,000 ...	35 5 0	11 15 0
More than £12,000	35 5 0, increased by £1 10s. for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.	11 15 0, increased by 10s. for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.

PART III.

TABLE.

Cost per acre of site as developed.	*Standard amount of annual Exchequer contribution.*	*Normal amount of annual rate fund contribution.*
More than £1,500 but not more than £4,000	£ s. d. 35 10 0	£ s. d. 13 0 0
More than £4,000 but not more than £5,000	37 0 0	13 10 0
More than £5,000 but not more than £6,000	37 15 0	13 15 0
More than £6,000 but not more than £8,000	38 10 0	14 0 0
More than £8,000 but not more than £10,000 ...	40 15 0	14 15 0
More than £10,000 but not more than £12,000 ...	42 5 0	15 5 0
More than £12,000	42 5 0, increased by £1 10s. for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.	15 5 0, increased by 10s. for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.

SECOND SCHEDULE.

PROVISIONS IN PURSUANCE OF WHICH FINANCIAL ASSISTANCE MAY BE GIVEN BY THE MINISTER OR BY LOCAL AUTHORITIES. Section 14.

Section nineteen of the Housing, Town Planning, &c., Act, 1919.	9 & 10 Geo. 5. c. 35.
Section two of the Housing, &c., Act, 1923.	
Section three of the Housing, &c., Act, 1923.	
Sections one and two of the Housing (Rural Workers) Act, 1926.	
Subsection (3) of section ninety-four of the Housing Act, 1936.	
Section three of the Housing (Financial Provisions) Act, 1938.	

THIRD SCHEDULE.

ADAPTATIONS OF PRINCIPAL ACT. Section 24.

1. In the principal Act, the expression "the Housing Acts" shall, unless the context otherwise requires, be construed as including this Act.

2. For the purposes of the principal Act the expression "Exchequer contribution" shall include any sum, other than a capital grant, payable by the Minister to a local authority under this Act.

3. The following provisions of the principal Act, that is to say—

(*a*) subsection (2) of section eighty-nine (which relates to agreements by county councils for assisting rural district councils in providing housing accommodation);

(*b*) subsection (3) of section one hundred and sixty-nine (which relates to the transfer of the powers of rural district councils to county councils); and

(*c*) subsection (2) of section one hundred and seventy-two (which relates to the transfer to county councils of the powers of the councils of county districts other than rural districts);

shall have effect as if the references therein to section one hundred and five of that Act included references to the provisions of this Act relating to annual exchequer contributions.

4. In each of the said subsections, the expression "a local authority" shall mean, and shall be deemed always to have meant, the local authority whose powers are, by virtue of the agreement or order in question, exercisable by the county council.

3RD SCH. —*cont.*

5. The following provisions of the principal Act, that is to say—

(*a*) section eighty-six (which relates to the power of the Minister to impose conditions on the sale of houses by a local authority);

(*b*) subsection (1) of section one hundred and twenty-nine (which relates to the sums which are credited and debited to the Housing Revenue Account); and

(*c*) subsection (2) of section one hundred and thirty (which relates to the disposal of balances in the Housing Revenue Account);

shall have effect as if any reference in those provisions to the contributions referred to in the Eighth Schedule to the principal Act included a reference to annual rate fund contributions under this Act.

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