SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Edw. 6. cap. 10.	- - - - - -	The whole Act.
1 Eliz. cap. 24	- - - - - -	The whole Act, except sections three, ten, twelve and sixteen.
1 Geo. 1. St. 2. cap. 50.	- - - - - -	The whole Act.
31 Geo. 3. cap. 32.	The Roman Catholic Relief Act, 1791.	Sections eleven and seventeen.
10 Geo. 4. cap. 7.	The Roman Catholic Relief Act, 1829.	Section twenty-six, sections twenty-eight to thirty-six inclusive. The Schedule.
2 & 3 Will. 4. cap. 115.	The Roman Catholic Charities Act, 1832.	Section four.
23 & 24 Vict. cap. 134.	The Roman Catholic Charities Act, 1860.	Section seven.

CHAPTER 56.

An Act to promote the provision of housing accommodation for agricultural workers and for persons whose economic condition is substantially the same as that of such workers and the improvement of such accommodation, by authorising the giving of financial assistance towards the reconstruction and improvement of houses and other buildings.

[15th December 1926.]

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:—

Schemes by local authorities.

1.—(1) With a view to promoting the provision of housing accommodation for agricultural workers and for persons whose economic condition is substantially the same as that of such workers or the improvement of such accommodation, local authorities within the meaning of this Act may and shall if so required by the Minister of Health (in this Act referred to as "the Minister") submit to him schemes with respect to the reconstruction and improvement of houses or buildings within their areas and may, in accordance with such schemes when approved by the Minister, give assistance in manner provided in this Act in respect of any such works of reconstruction or improvement.

(2) Provision shall be made by every such scheme as aforesaid for—

(*a*) specifying, by reference to the value, after the completion of the proposed works, of the dwellings in respect of which assistance under this Act is to be given, the cases in which such assistance may be given:

(*b*) specifying the nature of the works, (which may consist of structural alteration, repair, addition, provision of water supply, drainage or sanitary conveniences, or other like works, but shall not in any case include works of ordinary repair or upkeep, except in so far as they are incidental to or connected with any such works as aforesaid,) in respect of which such assistance may be given:

(*c*) specifying the period within which any such works must be completed.

Power of local authorities to make grants or loans.

2.—(1) Assistance under this Act may be given either by way of grant or by way of loan, or partly by way of grant and partly by way of loan.

(2) No assistance under this Act shall be given—

(*a*) where the value of the dwelling after the completion of the proposed works, as estimated by the local authority, exceeds four hundred pounds: Provided that in arriving

at the value of any dwelling any carving or panelling shall not be taken into account; or

(*b*) where the estimated cost of the works to be executed in respect of the dwelling is less than fifty pounds:

Provided that, where the proposed works will constitute an improvement to two or more dwellings by way of the provision of water supply, drainage, or other works for the joint benefit of the dwellings, assistance may be given if the estimated total cost of the works (including the cost of any works to be executed in connection with the joint works but separately in respect of the several dwellings or any of them) is not less than one hundred pounds; or

(*c*) unless the application for assistance is received by the local authority before the first day of October, nineteen hundred and thirty-one; or

(*d*) where the interest of the applicant in the house or building in respect of which the works are to be executed is a leasehold interest only, unless that interest is for a term of years absolute of which a period of not less than thirty years remains unexpired at the date of the application; or

(*e*) unless the local authority are satisfied that the dwelling will after the completion of the works be in all respects fit for habitation as a dwelling by persons of the working classes.

(3) The local authority may in any case refuse to give assistance under this Act on any grounds which seem to them sufficient and (without prejudice to the generality of the foregoing provision) shall refuse to give such assistance if it appears to them that the house or building in respect of which the works are to be executed cannot, by reason of the narrowness, closeness or bad arrangement or condition of the streets or buildings in the immediate neighbourhood thereof, be converted into a dwelling or dwellings which is or are in all respects satisfactory or, in the case of a house or building to which any historic, architectural, or artistic interest

attaches, that the proposed works would destroy or seriously diminish that interest.

(4) The following provisions shall have effect with respect to grants under this section:—

(*a*) the grant may be made in either of the following ways—

(i) by way of a lump sum payment to be made after the completion of the works; or

(ii) by the provision, during a period not exceeding twenty years, of any part of any periodical sums which may be payable to any persons by way of interest on or repayment of advances made by those persons for the purpose of the works;

(*b*) the amount of the grant shall not exceed either—

(i) two-thirds of the estimated cost of the works in respect of which the grant is to be made; or

(ii) the sum of one hundred pounds in respect of each dwelling:

Provided that, where the grant is to be made by the provision of periodical sums, the amount of the grant shall be taken to be an amount equal to the capital value of the sums to be so provided, calculated as on the date of the completion of the works;

(*c*) in the event of a breach of any of the conditions applicable by virtue of this Act in relation to the dwelling in respect of which the grant was made, any sums already paid on account of the grant, together with compound interest on those sums as from the respective dates on which the payments were made, calculated at the prescribed rate and with yearly rests, shall, on being demanded by the local authority, forthwith become repayable by the owner for the time being of the dwelling, and any sum which but for the failure would have become payable by the local authority shall not be paid:

Provided that, if the local authority in any such case are satisfied that the breach was not due to the act, default, or connivance of the owner, the authority may, with the consent of the Minister and subject to such conditions, if any, as he may approve, waive the liability of the owner to make repayment under the foregoing provision, and in the case of a continuing breach may, with the like consent and subject to such conditions as aforesaid, suspend the enforcement of that liability for such period as appears to them to be necessary for enabling the owner to remedy the breach.

(5) The following provisions shall have effect with respect to loans under this section—

(*a*) the loan, together with interest thereon at the prescribed rate, shall be secured by a mortgage of the dwelling;

(*b*) the amount of the principal of the loan shall not exceed ninety per cent. of the value which it is estimated the mortgaged security will bear after the completion of the works;

(*c*) 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 was made not being complied with in relation to the dwelling, the balance for the time being unpaid shall become repayable on demand by the local authority;

(*d*) the loan may be made by instalments from time to time as the works progress, so, however, that the total of the loan does not at any time before the completion of the works exceed fifty per cent. of the value for the time being of the mortgaged security;

(*e*) the loan shall not be made except after a valuation duly made on behalf of the local authority:

Provided that—

(i) where loans are to be made to the same person in respect of two or more dwellings,

those loans may, if it is so agreed between that person and the local authority, be secured by a single mortgage charged on all the dwellings jointly, and where two or more loans are so secured this subsection shall have effect as if the several loans constituted a single loan and as if the expression "the dwelling" included a reference to the several dwellings in respect of which the loans are made; and

(ii) if so agreed as aforesaid, a loan may be secured on lands of which the site of the dwelling in respect of which the loan is being made forms part, but nothing in this provision shall authorise the local authority to lend more than the sum which they would have been authorised to lend had the loan been secured only on the dwelling.

(6) The rules contained in the Schedule to this Act shall apply with respect to applications for and the giving of assistance under this Act.

Conditions attaching to dwellings in respect of which assistance has been given by way of grant.

3.—(1) In the case of a dwelling in respect of which assistance has been given under this Act by way of grant the following conditions shall, subject as hereinafter provided, apply in relation to the dwelling for a period of twenty years from the date on which it first becomes fit for occupation after the completion of the works and shall so long as they continue to have effect be deemed to be part of the terms of any lease, agreement for a lease, or tenancy of the dwelling, and shall be enforceable accordingly:—

(*a*) The dwelling shall not be occupied except by a person, whether as owner or tenant, whose income is, in the opinion of the local authority, such that he would not ordinarily pay a rent in excess of that paid by agricultural workers in the district, or by an agricultural worker or employee of substantially the same economic condition employed by the person who is rated in respect of the dwelling;

(*b*) The rent payable by the occupier in respect of the dwelling shall not exceed the amount of the normal agricultural rent, increased by a sum

equal to three per cent. of the amount by which the estimated cost of the works in respect of which assistance has been given exceeds the amount of the assistance given by way of grant, and no fine, premium or other like sum shall be taken in addition to the rent;

For the purposes of this provision the expression "normal agricultural rent" means—

(i) in the case of a dwelling which had not previously to the execution of the works been, or which was not within the period of five years immediately preceding the execution of the works separately let as such, the rent which the local authority determine to be the average rent for the time being paid by agricultural workers in the district; and

(ii) in the case of a dwelling which was separately let as such at any time within the said period of five years, the average amount determined by the local authority to have been payable by way of rent per week during the period of the letting:

Provided that, if in the case of a dwelling to which paragraph (ii) applies the amount of the normal agricultural rent payable in respect thereof is by reason of a general increase of rents in the district less than the rent normally paid by agricultural workers in the district, the rent so normally paid shall be taken to be the normal agricultural rent;

(*c*) The owner of the dwelling shall from time to time, on being so required by the local authority, give to the authority a certificate to the effect that the foregoing conditions (*a*) and (*b*) are being complied with in respect of the dwelling, and any tenant of the dwelling shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition;

(*d*) In the event of the tenant assigning, or otherwise parting with the possession of, the dwelling, it

shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment:

Provided that—

(i) where a dwelling is in the occupation of a person by whom, having regard to the terms of paragraph (*a*) of this subsection, it may properly be occupied and that person subsequently ceases to be such a person the continued occupation of the dwelling by that person shall not, if the local authority have assented thereto and so long as that assent has not been withdrawn, be taken to be in contravention of the said paragraph; and

(ii) if the Minister after consultation with the local authority so approves, the owner of the dwelling may at any time within the said period of twenty years pay to the local authority the amount of the grant, or of such instalments thereof as have been paid, together with compound interest thereon as from the respective dates on which payments on account of the grant were made calculated at the prescribed rate and with yearly rests, and thereupon the conditions contained in this section shall cease to have effect in relation to that dwelling.

(2) The reference in the proviso to subsection (1) of this section to the owner of the dwelling shall be construed as including a reference to a mortgagee of the dwelling who is entitled to exercise his power of sale as such mortgagee, and any sum paid by a mortgagee in pursuance of the said proviso shall be treated as being part of the sum secured by the mortgage and may be discharged accordingly.

(3) Capital money arising under the Settled Land Act, 1925, may, subject to the provisions of section seventy-three of that Act, be applied in payment of any sum payable to the local authority under the said proviso. 15 & 16 Geo. 5. c. 18.

(4) Section fifteen of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, shall apply to conditions applying by virtue of 15 & 16 Geo. 5. c. 22. 16 & 17 Geo. 5. c. 11.

this section in relation to any dwelling as if they were a local land charge, and any such conditions shall be registered accordingly by the proper officer as a local land charge.

(5) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, the county court of the district in which a dwelling is situate may, on the application of the local authority—

(*a*) whether or not any other relief is claimed, grant an injunction restraining the breach, or apprehended breach, of any condition applying to the dwelling by virtue of this section other than the condition imposed by paragraph (*c*) of subsection (1) of this section; or

(*b*) make an order directing payment to the authority of any sum which has become payable to it by reason of the breach of any condition applying to the dwelling by virtue of this section.

Government contributions to expenses of local authorities under Act.

4.—(1) The Minister shall, subject to such conditions as to records, certificates, audit or otherwise as he may with the approval of the Treasury determine and subject to the provisions of this section, make or undertake to make contributions towards any expenses incurred by a local authority in making grants under this Act.

(2) Any such contributions shall be made by way of annual payments for a period of twenty years from the completion of the works in respect of which the grant is made and shall be an amount equal to one-half of the estimated average annual payments falling to be made by the local authority in respect of the charges on account of loans raised by the authority for the purposes of grants made under this Act, or which would have fallen to be so made if the sums expended by the local authority on account of the grant had been raised by means of loans.

(3) Where any condition applicable in relation to a dwelling is not complied with, the local authority shall be liable to repay to the Minister a sum equal to the amount of the contributions already made by him in respect of the dwelling, together with compound interest thereon as from the respective dates on which the contributions were made, calculated at the prescribed

rate and with yearly rests, and any sum so repayable shall be recoverable as a debt due to the Crown:

Provided that—

(*a*) the provisions of this subsection shall not apply if the liability of the owner to make repayment in respect of the breach of the condition has been duly waived in accordance with the foregoing provisions of this Act, or if and so long as the enforcement of that liability is duly suspended in accordance with those provisions, and

(*b*) if the local authority shows to the satisfaction of the Minister that, notwithstanding that they have taken all practicable steps for the purpose, they have been unable to recover the whole or some part of the sum which became repayable to them by reason of the breach of the condition, the Minister may remit the repayment of the sum repayable to him under this subsection up to an amount not exceeding one half of the amount not recovered by the local authority.

(4) Where in pursuance of this Act the Minister approves of the repayment of a grant made by the local authority under this Act in respect of any dwelling, the Minister shall not be liable to make any further contribution in respect of that dwelling, and the local authority shall be liable to repay to the Minister a sum equal to the amount of the contributions already made by him, together with interest as aforesaid, and any sum so repayable shall be recoverable as a debt due to the Crown.

(5) Any expenses incurred by the Minister under this Act shall be defrayed out of the moneys provided by Parliament.

Local authorities for purposes of Act, borrowing, &c.

5.—(1) The local authority for the purposes of this Act shall be the council of the county or the council of the county borough:

Provided that, if the Minister either owing to special circumstances, or on application by the council of any county district made to him before the thirty-first day of March, nineteen hundred and twenty-seven, thinks fit so to do, he may after consultation with

the county council declare that the council of any county district within the county shall be the local authority for the purposes of this Act to the exclusion of the council of the county, and any declaration made under the foregoing provision may at any time be revoked by the Minister after a like consultation.

(2) The council of a county and the council of any county district within the county may, if it appears to the council of the county that the administration of their scheme under this Act will be thereby facilitated, enter into arrangements under which the council of the county district may undertake on behalf of the council of the county any duties connected with the administration of the scheme other than the approval or disapproval of applications for assistance, the payment of any grant or loan or instalment of a loan, or the institution of legal proceedings in the event of a breach of any of the conditions subject to which a grant or loan is made.

(3) Any expenses incurred by the local authority in the execution of this Act shall be defrayed, in the case of the council of a county, as expenses for general county purposes, and in the case of any other council as part of the expenses of that council in the execution of the Public Health Acts:

Provided that, in any case where the council of a county district are the local authority under this Act, the expenses of the council of the county under this Act shall be treated as special county purposes restricted to so much of the administrative county as is not comprised in the county district, and no sum shall be raised in that district for the purposes of this Act on account of the expenses of the council of the county under this Act.

(4) Subject to the approval of the Minister, a local authority may borrow any sums required for the purpose of making grants or loans under this Act, in the case of the council of a county, under section sixty-nine of the Local Government Act, 1888, and in the case of any other local authority, under Part IV. of the Housing Act, 1925, and the raising of money by a local authority for the purpose aforesaid shall be a purpose for which the Public Works Loan Commissioners may lend to the local authority.

51 & 52 Vict. c. 41.
15 Geo. 5. c. 14.

(5) Money borrowed by a local authority under this Act shall not be reckoned as part of the total debt of that authority for the purposes of any limitation on borrowing imposed by any Act.

Acceptance of assistance not to disqualify for membership of local authority.

6. It is hereby declared that a person to whom assistance is given by any local authority under this Act, whether by way of grant or by way of loan, is not thereby disqualified for being elected or being a member of the authority or of any committee thereof.

Prohibition on persons interested voting as members of local authorities.

7.—(1) A person shall not vote as a member of a local authority or any committee thereof on any resolution or question which is proposed or arises under this Act if it relates to any house or building in which he is beneficially interested.

(2) If any person votes in contravention of this section he shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds, but the fact of a person having so voted shall not invalidate any resolution or proceeding of the local authority.

Application to Scotland.

8. This Act in its application to Scotland shall have effect subject to the following modifications:—

(*a*) References to the Minister of Health shall be construed as references to the Scottish Board of Health, "county court" means "sheriff" and "injunction" means "interdict":

(*b*) "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" and "mortgagee" shall be construed accordingly:

(*c*) It is hereby declared that the paragraph of subsection (2) of section two which precludes assistance being given to persons having a limited leasehold interest is not applicable in the case of a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1919 (in this section referred to as a "landholder"):

(*d*) In sections two and three "owner" has the same meaning as in the Public Health (Scotland) Act, 1897: 60 & 61 Vict. c. 38.

(*e*) For the purpose of assistance by way of grant in relation to a dwelling occupied by a landholder the following provisions shall have effect:—

(i) The landholder or his statutory successor, so long as in occupation of the holding, shall be deemed to be the owner of the dwelling;

(ii) If, at any time within the period during which conditions apply by virtue of this Act in relation to the dwelling, compensation becomes payable by the landlord to the landholder under the said Small Landholders Acts in respect of permanent improvements, including the dwelling, the local authority may require that such compensation shall be assessed by the Land Court;

(iii) In assessing such compensation, the Land Court shall fix the proportion, if any, thereof as is, in their opinion, attributable to the grant, and the proportion so fixed shall not be payable to the landholder but shall be recoverable by the local authority from the landlord;

(iv) Upon payment of such amount the conditions which apply in relation to the dwelling shall cease to have effect, and the local authority shall be liable to repay to the Scottish Board of Health a sum bearing the same proportion to the amount of the contributions made by the Board in respect of the dwelling as the amount recoverable by the local authority from the landlord bears to the amount of the grant:

(*f*) Paragraph (*a*) of subsection (1) of section three shall have effect as if the words "who pays occupier's rates" were substituted for "who is rated":

(*g*) The following section shall be substituted for section five:—

"5.—(1) The local authority for the purposes of this Act shall be the local authority for the purposes of the Housing (Scotland) Act, 1925, and any expenses incurred by a

15 Geo. 5. c. 15.

local authority in the execution of this Act shall be defrayed in like manner as expenses incurred in the execution of that Act.

(2) The local authority shall have power to borrow any sums required for the purposes of making grants or loans under this Act in like manner as they may borrow for the purposes of the Housing (Scotland) Act, 1925, and the raising of money by a local authority for the purposes aforesaid shall be a purpose for which the Public Works Loan Commissioners may lend to the local authority."

(*h*) A reference to the Housing Act, 1925, shall be construed as a reference to the Housing (Scotland) Act, 1925.

Short title, extent and interpretation.

9.—(1) This Act may be cited as the Housing (Rural Workers) Act, 1926.

(2) This Act shall not apply to Northern Ireland or the administrative county of London.

(3) In this Act unless the context otherwise requires:—

The expression "street" has the same meaning as in the Housing Act, 1925.

The expression "owner" means the person who is for the time being receiving, or who if the dwelling were let at a rack-rent would receive, the rack-rent of dwelling:

Provided that, if in any case the person who by virtue of the foregoing definition would be the owner of a dwelling is a person himself liable to pay a rack-rent in respect of the dwelling or of any property comprising the dwelling to a superior landlord, that superior landlord and not the person aforesaid shall be deemed to be the owner of the dwelling for the purposes of this Act:

The expression "prescribed" means prescribed by the Minister with the approval of the Treasury.

The expression "rack rent" has the same meaning as in the Public Health Act, 1875. 38 & 39 Vict. c. 55.

Section 2.

SCHEDULE.

RULES AS TO APPLICATIONS FOR AND GIVING OF ASSISTANCE.

1. The applicant for assistance shall furnish to the local authority full particulars of the houses and buildings concerned and of the works proposed to be executed, and a statement (approved by an officer of the local authority authorised in that behalf) of the estimated cost of the works, and, if so required by the local authority, plans and specifications thereof.

2. If the local authority approve the application they shall issue to the applicant a certificate of their approval which shall set out the terms and conditions upon which the assistance will be given.

3. On the completion of the works or in a case where assistance is to be given by way of loan, of such part of the works as the applicant considers will entitle him to payment of an instalment by the local authority, the applicant shall produce the certificate to the local authority and shall satisfy them that the works or part thereof have been executed in accordance with the terms and conditions of the certificate, and the local authority shall not be liable to make any loan or grant or any instalment until they are so satisfied.

CHAPTER 57.

An Act to amend the provisions of the Prisons (Scotland) Act, 1877, relating to the discontinuance of prisons, and the legalisation of police cells as places of detention.

[15th December 1926.]

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:—

Disposal of discontinued prison. 40 & 41 Vict. c. 53.

1. Where, after the passing of this Act, any prison shall be discontinued by an order made by the Secretary of State under section thirty-nine of the Prisons (Scotland) Act, 1877, the provisions of section forty of the said