Lancashire County Council (Industrial Development etc.) Act, 1960

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CHAPTER xxxiii

An Act to confer further powers on the county council of the administrative county of the county palatine of Lancaster in relation to the industrial development of lands within the county and the local government and improvement of the county to make further provision in relation to the superannuation fund of the county council and for other purposes. [29th July 1960.]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to the industrial development of lands within the administrative county of the county palatine of Lancaster and for the local government and improvement of that administrative county and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") should be enlarged and extended as provided by this Act:

(2) It is expedient that the powers of the Council in relation to the investment of their superannuation fund should be enlarged and extended as provided by this Act:

(3) It is expedient that certain part-time remuneration and service should be excluded for superannuation purposes:

(4) It is expedient that the other provisions in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the Lancashire County Council (Industrial Development etc.) Act 1960.

Interpretation.

2.—(1) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—

" Act of 1933 " means the Local Government Act 1933;

" Act of 1947 " means the Town and Country Planning Act 1947;

" Council " means the county council of the administrative county of the county palatine of Lancaster;

" county " means the administrative county of the county palatine of Lancaster;

" Minister " means the Minister of Housing and Local Government.

(2) Unless otherwise expressly stated any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Acquisition of land by agreement for purposes of Act.

3. The Council may for the purpose of development in accordance with the provisions of this Act by agreement acquire whether by way of purchase lease or exchange any land within the county.

Compulsory acquisition of land for purposes of Act.

4.—(1) The Council by means of an order made by the Council and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily land in the county (not being land which at the making of the order is situate within a development district as defined in subsection (2) of section 1 of the Local Employment Act 1960) for the purpose of development in accordance with the provisions of this Act in any case where the Council are unable to acquire land by agreement on terms which in their opinion are reasonable.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

Development of land.

5.—(1) The Council may within the county (with the consent of the Minister) lay out and develop any land for the time being

belonging to them and not required for the purpose for which it was acquired and any land acquired by them under section 3 (Acquisition of land by agreement for purposes of Act) or section 4 (Compulsory acquisition of land for purposes of Act) of this Act or section 40 of the Act of 1947 and may on any such land—

(*a*) erect and maintain shops offices industrial buildings garages warehouses canteens recreational premises and other buildings;

(*b*) adapt alter extend and modernise existing industrial or other buildings; and

(*c*) construct light sewer drain pave channel and kerb streets.

(2) The functions of the Council shall include power for the Council to repair maintain and insure any buildings or works on such land as is referred to in subsection (1) of this section and generally to deal therewith in a proper course of management.

(3) In this section the expression "industrial building" includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes (namely):—

(*a*) the making of any article or part of any article; or

(*b*) the altering repairing ornamenting finishing cleaning washing freezing packing or canning or adapting for sale or breaking up or demolition of any article;

being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description including a ship or vessel.

Disposal of land.

6. Subject to the provisions of section 26 of the Town and Country Planning Act 1959 section 165 of the Act of 1933 shall apply to any land acquired by the Council under this Act whether or not the land is required for the purpose for which it was acquired or is being used.

Power to reinstate owners or occupiers of property.

7.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Council under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Council may pay or receive money for equality of exchange.

Loans for erection etc. of buildings.

8.—(1) The Council may advance money to the purchaser or lessee of any land acquired from or leased by the Council for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

(*a*) make provision as to the rate of interest to be paid being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance or such other rate as may from time to time be approved by the Minister;

(*b*) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;

(*c*) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;

(*d*) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;

(*e*) authorise the borrower at any such days in the year as may be specified in the instrument after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

(*f*) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;

(*g*) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction

of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance; or

(ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf;

(*h*) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Council and authorised in writing by their clerk shall have power at all reasonable times after giving not less than seven days' notice to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression "lessee" includes a person to whom the Council have agreed to grant a lease and the expression "lease" shall be construed accordingly.

Provision by agreement of works etc. for industrial development purposes.

9.—(1) The Council may enter into and carry into effect agreements or arrangements with any statutory undertakers for the provision and maintenance by such undertakers of any works facilities supplies or services which may be necessary or desirable for or in connection with the laying out and development of any land under section 5 (Development of land) of this Act or the subsequent use of such land for industrial or other purposes.

(2) In this section the expression "statutory undertakers" has the same meaning as in section 119 of the Act of 1947.

Application of certain provisions of Town and Country Planning Act 1944.

10. For the purposes of this Act the provisions of sections 23 and 25 of the Town and Country Planning Act 1944 shall extend and apply as if land acquired by the Council under this Act had been acquired by the Council under Part IV of the Act of 1947.

Crown rights.

11. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving rights of Duchy of Lancaster.

12. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Lancaster nothing in this Act contained shall extend or operate to authorise the Council to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by Her Majesty Her Heirs and Successors in right of Her said Duchy.

For protection of certain statutory undertakers.

13. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Council and the undertakers concerned apply and have effect:—

(1) In this section—

" apparatus " means—

(*a*) mains pipes and other apparatus belonging to or maintained by the gas board;

(*b*) mains pipes and other apparatus belonging to or maintained by the Liverpool Corporation or the Manchester Corporation for the purposes of their respective water undertakings;

and includes any works constructed for the lodging therein of apparatus and in relation to any of the undertakers means apparatus belonging to or maintained by those undertakers;

" the gas board " means the North Western Gas Board;

" the Liverpool Corporation " means the lord mayor aldermen and citizens of the city of Liverpool;

" the Manchester Corporation " means the lord mayor aldermen and citizens of the city of Manchester;

" undertakers " means the gas board the Liverpool Corporation and the Manchester Corporation or any of them:

(2) Subject to the provisions of sections 23 and 25 of the Town and Country Planning Act 1944 as extended and applied by section 10 (Application of certain provisions of the Town and Country Planning Act 1944) of this Act nothing in section 5 (Development of land) of this

Act shall relieve the Council from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Council shall so exercise those powers as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus:

(3) (*a*) Any difference which may arise between the Council and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President for the time being of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Council to execute any temporary or other work so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Saving for town and country planning.

14.—(1) This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

(2) Notwithstanding the provisions of subsection (3) of section 35 of the Act of 1947 and regulations made thereunder where the Council requires permission under Part III of the Act of 1947 in respect of any development of land under subsection (1) of section 5 (Development of land) of this Act and objection is made by any owner lessee or occupier of any such land an application shall be made in the form of an application to the local planning authority and shall be deemed to have been referred to the Minister under section 15 of the Act of 1947 and the provisions of that section shall apply to the determination of the application by the Minister.

Investment of superannuation fund.

15.—(1) In its application to the Council subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the Council under that Act there were substituted an obligation to invest such moneys as follows (namely):—

(*a*) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said

Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or

(*b*) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part of any such dominion commonwealth union dependency or colony; or

(*c*) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or of the legislature concerned to issue the same; or

(*d*) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or

(*e*) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or by royal charter being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

(*f*) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or

(*g*) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value thereof;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (*e*) of this subsection shall be subject to the following qualifications:—

(i) no investment shall be made in any company which has not paid a dividend of at least five per centum on the

ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless—

(A) the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;

(ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (*e*) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

(2) For the purposes of subsection (1) of this section the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Exclusion of certain remuneration and service for superannuation purposes.

16.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 shall have the same respective meanings and the expression "local authority" shall include any voluntary organisation undertakers or body approved by the Minister the employees of which participate in the benefits of a superannuation fund maintained by an administering authority or a local Act authority by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act 1953 or any local Act.

(2) The salary wages fees and other payments paid or made to a contributory employee or local Act contributor employed whole time by the Council or any other local authority in respect of any part-time employment by the Council or any other local authority (additional to his ordinary whole-time employment)—

(*a*) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or

(*b*) as a warden of or other employee performing duties at a youth centre; or

(*c*) as a civil defence instructor; or

(*d*) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 to 1953 or of any other enactment affecting the superannuation fund maintained by the Council under those Acts and the service of any such contributory employee or local Act contributor in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

Costs of Act.

17. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund of the Council.

Table of Statutes referred to in this Act

Short title	Session and chapter
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Town and Country Planning Act 1944 ..	7 & 8 Geo. 6 c. 47.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6 c. 49.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.
Town and Country Planning Act 1959 ..	7 & 8 Eliz. 2 c. 53.
Local Employment Act 1960	8 & 9 Eliz. 2 c. 18.

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