CHAPTER 46.

An Act to provide for the development of facilities for, and the encouragement of, physical training and recreation, and to facilitate the establishment of centres for social activities. A.D. 1937.

[13th July 1937.]

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 :—

National Advisory Councils.

1.—(1) There shall continue to be two National Advisory Councils for Physical Training and Recreation, the one for England and Wales and the other for Scotland, consisting in each case of such persons as the Prime Minister may from time to time appoint, whose principal duty it shall be to investigate, and advise His Majesty's Government with regard to, matters relating to the maintenance and improvement of the physical well-being of the people by means of exercise and recreation.

Such a council is hereafter in this Act referred to as a " National Council."

(2) A National Council may appoint committees to assist them in the discharge of their functions and may appoint as members of any such committee, or authorise any such committee to co-opt as members thereof, persons who are not members of the Council.

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Local committees and sub-committees.

2.—(1) The National Council for England and Wales shall, so soon as may be, make, and may from time to time vary, arrangements for the establishment throughout their area of local committees consisting of persons representing local education authorities for higher education, and other local authorities, and voluntary organisations promoting objects which are objects of this Act, and other persons who have special knowledge and experience of matters with which the local committees will be concerned.

(2) Any such arrangements shall empower a local committee to delegate or refer matters arising out of their functions to sub-committees, and to appoint as members of a sub-committee, or authorise a sub-committee to co-opt as members thereof, members of local authorities and other persons who are not members of the committee.

(3) The functions of a local committee shall be—

(i) to review the existing facilities for physical training and recreation in the various localities within their area, to direct public interest to the value of such training and recreation and to encourage the promotion of local schemes for the provision of further and better facilities therefor;

(ii) to examine and consider any proposals which may be put before them for the provision of such facilities as aforesaid, and any application for financial assistance by way of a grant under this Act which may be made to them; and

(iii) to transmit any such application with their recommendations thereon to the grants committee referred to in the next succeeding section.

(4) A local authority may, either free of charge or on such other terms as may be agreed, place at the disposal of a local committee, or of a sub-committee of such a committee, any offices or staff belonging to or employed by the authority.

Powers of Board of Education.

3.—(1) The Board of Education (hereafter in this Act referred to as " the Board ") may, in accordance with recommendations made by the committee appointed

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for the purposes of this Act by the Prime Minister (hereafter in this Act referred to as "the grants committee") and in accordance with arrangements approved by the Treasury, make grants—

(*a*) towards the expenses of a local authority or local voluntary organisation in providing, whether as a part of wider activities or not, or in aiding the provision of, facilities for physical training and recreation, including, but without prejudice to the generality of the foregoing words, the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other buildings and premises for physical training and recreation;

(*b*) towards the expenses of a local authority or local voluntary organisation in respect of the training and supply of teachers and leaders; and

(*c*) to the funds of any national voluntary organisation having such objects as aforesaid, either in aid of its work as a whole, or in aid of any specified branch of its work.

The powers of the Board under paragraph (*a*) of this subsection shall not extend to the making of a grant in aid of the maintenance of such facilities as aforesaid, except that, if the Board after considering a recommendation of the grants committee certify that the circumstances of a local voluntary organisation are such that special hardship or difficulty would be occasioned if such a grant were not made to it, the Board may make such a grant.

(2) The Board when making a grant under the preceding subsection may attach thereto such conditions, including, in the case of a grant to a voluntary association, conditions for securing the continuity of the undertaking assisted, as the Board may think proper.

(3) The Board, after consultation with the National Council for England and Wales, may, on the recommendation of the grants committee and with the approval of the Treasury, take steps for disseminating knowledge with respect to the value of physical training and recreation.

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Extension of powers of local authorities.

4.—(1) A local authority may acquire, lay out, provide with suitable buildings and otherwise equip, and maintain lands, whether situate within or without their area, for the purpose of gymnasiums, playing fields, holiday camps or camping sites, or for the purpose of centres for the use of clubs, societies or organisations having athletic, social or educational objects, and may manage those lands and buildings themselves, either with or without a charge for the use thereof or admission thereto, or may let them, or any portion thereof, at a nominal or other rent to any person, club, society or organisation for use for any of the purposes aforesaid.

The authority may also provide and, where necessary, arrange for the training of, such wardens, teachers and leaders as they may deem requisite for securing that effective use is made of the facilities for exercise, recreation and social activities so provided.

15 & 16 Geo. 5. c. 71.

(2) Section seventy of the Public Health Act, 1925 (which relates to the use of public offices for entertainments and the like), shall apply in relation to any premises provided by a local authority under the preceding subsection as if those premises were offices for the transaction of business, and as if any local authority as defined by this Act were a local authority for the purposes of the said section seventy.

26 Geo. 5. & 1 Edw. 8. c. 49.

(3) A county council may provide public swimming baths and bathing places under Part VIII of the Public Health Act, 1936, and, accordingly, in sections two hundred and twenty-one to two hundred and twenty-nine of that Act any reference to a local authority or their district shall, in relation to public swimming baths and bathing places, be construed as including a reference to a county council or their county.

(4) A local authority may contribute towards expenses incurred by another local authority, whether under this or any other Act, or by a voluntary organisation, in providing or maintaining within the area of the contributing authority, or on a site where it will benefit any of the inhabitants of that area, anything mentioned in subsection (1) of this section, or a swimming bath or bathing place.

54 & 55 Vict. c. 22.

(5) Section sixty-nine of the Public Health Act, 1925, and so much of the Museums and Gymnasiums Act, 1891, as relates to gymnasiums, shall cease to have

effect and any property held by a local authority for the purposes of the enactments thus repealed shall, without any necessity for formal appropriation, be held by them for the purposes of this section.

Supplemental provisions as to exercise of powers by local authorities.

5.—(1) The purposes of the last preceding section and the provision of swimming baths and bathing places under Part VIII of the Public Health Act, 1936, shall be purposes for which any local authority other than a parish council may purchase land compulsorily by means of a compulsory purchase order made by the authority and confirmed by the Minister of Health and, accordingly, so far as those purposes are concerned, the provisions of the Local Government Act, 1933, relating to the compulsory acquisition of land by means of such an order shall be deemed to extend to the administrative county of London and shall have effect as if any reference therein to a local authority were a reference to a local authority as defined by this Act.

23 & 24 Geo. 5. c. 51.

(2) Expenditure incurred for any of the said purposes by the common council of the city of London or the council of a metropolitan borough shall be defrayed out of the general rate, and those purposes shall be purposes for which any such council may borrow money as for purposes of the Public Health (London) Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 50.

Amendment of 11 & 12 Geo. 5. c. 51, s. 86.

6. Section eighty-six of the Education Act, 1921, under which the power of a local education authority for higher education to promote social and physical training is, in the case of persons over the age of eighteen, limited to persons attending educational institutions, shall have effect as if for the words "young persons and persons "over the age of eighteen attending educational institu- "tions" there were substituted the words "persons of whatever age."

National College of Physical Training for England and Wales.

7. The Board may provide, maintain and aid a National College of Physical Training for England and Wales, or more than one such College, and may make such provision with respect to the management thereof as they think proper.

Expenses of executing Act.

8.—(1) All expenses incurred by the Board for the purposes of this Act, including the amount of any grants paid or payable under or by virtue of this Act, shall be defrayed out of moneys provided by Parliament.

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(2) The Board shall out of moneys so provided—

(i) make such payments in respect of the administrative expenses of the National Council, of committees thereof, and of the grants committee, and in respect of allowances to members of the Council, members of committees thereof and members of the grants committee;

(ii) pay such remuneration to the chairman of the grants committee; and

(iii) after consultation with the grants committee, make such payments in respect of the administrative expenses of, and in respect of allowances to members of, a local committee and any sub-committee thereof,

as the Board may, with the approval of the Treasury, determine.

Interpretation.

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

"local authority" means the council of a county, county borough, metropolitan borough, county district or parish, and the common council of the city of London;

"voluntary organisation" means any person or body of persons, whether corporate or unincorporate, carrying on, or proposing to carry on, an undertaking otherwise than for profit.

Application to Scotland.

10.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the Board of Education there shall be substituted a reference to the Secretary of State; for any reference to the National Council for England and Wales there shall be substituted a reference to the National Council for Scotland; for any reference to the committee appointed for the purposes of this Act by the Prime Minister there shall be substituted a reference to the committee appointed by the Prime Minister for the purposes of this Act in Scotland; and for any reference to a local education authority for higher education there shall be substituted a reference to an education authority.

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(3) In subsection (1) of section two of this Act, for the words "local committees" wherever they occur the words "regional committees" shall be substituted and any reference to a local committee shall be construed accordingly.

(4) "Local authority" means a town, county, or district council:

Provided that any reference in section three of this Act to a local authority shall include a reference to an education authority.

(5) Section four of this Act shall have effect as if in subsection (1) after the words "playing fields" the words "swimming baths or bathing places" were inserted, and as if for subsection (2) the following subsection were substituted:—

"(2) Any premises provided by a local authority under the last foregoing subsection or any offices provided by a local authority for the transaction of their business may be used for the purposes of concerts or other entertainments which may be provided by the local authority or any other person, and any such premises or offices may be let by the authority for those purposes or for the purposes of meetings at such times and in such manner as will not interfere with the purposes for which the premises or offices are provided:

Provided that no concert or other entertainment provided by a local authority under this subsection shall include—

(*a*) the performance of a stage play; or

(*b*) any performance in the nature of a variety entertainment, or in which scenery, theatrical costumes, or scenic or theatrical accessories are used; or

(*c*) the showing of any cinematograph film (other than a film illustrative of questions relating to health or disease)."

(6) For section five of this Act the following section shall be substituted:—

"5. A local authority may acquire land for the purposes of subsection (1) of section four of this Act and, if they are unable to do so by agreement

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on terms which are in their opinion reasonable, they may purchase the land by means of a compulsory purchase order made by them, and confirmed by the Department of Health for Scotland, and the following provisions of the Town and Country Planning (Scotland) Act, 1932, viz. :— Part III of the First Schedule (except paragraph 5), Part I of the Third Schedule (except paragraph 2 and sub-paragraph (iii) of paragraph 3), and paragraph 2 of Part II of the Third Schedule shall, subject to any necessary modifications, apply to a compulsory purchase order under this section."

22 & 23 Geo. 5. c. 49.

(7) A local authority shall have power to borrow for any purpose of this Act to which capital is properly applicable, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to such power to borrow in the case of a district council as well as in the case of a county or town council.

19 & 20 Geo. 5. c. 25.

Any sums borrowed by a local authority in pursuance of this subsection shall be repaid within such period as the Secretary of State may fix.

(8) Any expense incurred by a county or town council under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

(9) Expenditure incurred by a district council under this Act shall not be taken into account in any calculation as to the limit imposed on the district council rate by section twenty-six of the Local Government (Scotland) Act, 1929.

(10) For section six of this Act the following section shall be substituted :—

8 Edw. 7. c. 63.

" 6. Section three of the Education (Scotland) Act, 1908, as amended by any subsequent enactment, shall have effect as if in paragraph (9) the words ' or other facilities for social or physical ' training in the day or evening for persons ' resident in their area ' were substituted for the words ' for children attending school or young persons attending continuation classes '."

(11) Section seven of this Act shall not apply.

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Short title, repeal and extent.

11.—(1) This Act may be cited as the Physical Training and Recreation Act, 1937.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act shall not apply to Northern Ireland.

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Section 11.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 22 -	The Museums and Gymnasiums Act, 1891.	The whole Act, subject to the saving in respect of certain museums contained in the Public Libraries Act, 1919.
15 & 16 Geo. 5. c. 71	The Public Health Act, 1925.	Section sixty-nine.

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