CHAPTER 34.

An Act to amend the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) Act, 1939. [22nd July 1941.]

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 :—

Amendment and extension of s. 1 of 2 & 3 Geo. 6. c. 73.

1.—(1) Where under section one of the Housing (Emergency Powers) Act, 1939 (which empowers local authorities to repair buildings which are unfit for housing purposes by reason of war damage) a local authority propose to serve on the person having control of a building a notice of their intention to execute works for rendering the building fit for housing purposes, it shall not be necessary for the authority to be satisfied, before they serve the notice, that the said person is unable or unwilling to carry out the works necessary to render the building so fit; but if, after considering any representations made by the said person, the authority are satisfied that he is able and willing to carry out the said works, they shall withdraw the notice.

(2) Where under the said section one a local authority serve on the person having control of a building a notice of their intention to execute works at the expiration of the period specified in the notice, and within that period the said person gives to the authority notice in writing that he does not object to the execution by the authority of the works specified in the notice, the authority may execute those works before the expiration of the said period.

(3) The proviso to the said section one (which empowers a local authority, in the case of temporary repairs which are immediately necessary to avoid danger to health, to carry out the repairs without previously serving a notice of their intention

to do so) is hereby repealed, and at the end of that section there shall be added the following subsection :—

"(2) Without prejudice to the powers conferred by the foregoing subsection, where any building, whether a house or not, is in any respect unfit for housing purposes by reason of war damage, any urgent repairs to the building which appear expedient for avoiding danger to health or preventing the deterioration of the building may be executed by a local authority, and any person authorised by the local authority may enter upon the building for the purpose of executing the repairs."

(4) Any power conferred by the said section one, as amended by this section, to enter upon a building includes power to use such force as is reasonably necessary for effecting an entry in any case where it appears expedient to use such force in order to avoid undue delay.

(5) The powers conferred by the said section one, as amended by this section, shall be exercisable in relation to buildings in the Isles of Scilly, and shall be so exercisable by the Council of the said Isles.

Loans to local authorities for repairing war damage to housing accommodation provided by them.

2. After subsection (1) of section three of the Housing (Emergency Powers) Act, 1939, (which empowers the Minister of Health to make loans for the purposes of that Act) there shall be inserted the following subsection :—

"(1A) The Minister of Health may lend money, on such terms as he, with the approval of the Treasury, may fix, to any such local authority as is hereinafter mentioned for the purpose of repairing, whether temporarily or permanently, war damage to housing accommodation provided by the local authority; and, notwithstanding anything in any enactment, a local authority may borrow for the said purpose on the terms so fixed.

The local authorities referred to in this subsection are the councils of county boroughs and county districts, the London County Council, the common council of the City of London and the councils of metropolitan boroughs."

Amendment of definition of "war damage".

4 & 5 Geo. 6. c. 12.

3. For the definition of "war damage" in the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) Act, 1939, there shall be substituted the definition set out in subsections (1) and (2) of section eighty of the War Damage Act, 1941.

Loans under s. 2 of 2 & 3 Geo. 6. c. 74 to certain authorities.

4. Subsection (5) of section three of the Essential Buildings and Plant (Repair of War Damage) Act, 1939 (which provides for charges to secure loans under section two of that Act to persons other than companies or certain local authorities) shall not apply to a loan under the said section two to any

authority which is a local authority for the purposes of the Local Loans Act, 1875. 38 & 39 Vict. c. 83.

5. Any increase attributable to the provisions of this Act in the amount of the loans made under the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) Act, 1939, shall be defrayed out of moneys provided by Parliament; and any increase so attributable in the sums received by way of repayment of such loans shall be paid into the Exchequer. Increases in loans and repayments under amended Acts.

6. The amendments of the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) Act, 1939, set out in the Schedule to this Act, being minor amendments or amendments consequential on the foregoing provisions of this Act, shall have effect. Minor and consequential amendments of Acts.

7.—(1) At the end of subsection (1) of section four of the Housing (Emergency Powers) Act, 1939, there shall be added the following words— Provisions as to Scotland.

> "and as if in subsection (1A) of section three for the words from 'the councils of county boroughs' to the end of the subsection there were substituted the words 'county and town councils'."

(2) In the subsection directed by paragraph (*d*) of section five of the Essential Buildings and Plant (Repair of War Damage) Act, 1939, to be substituted for subsections (4) and (5) of section three of that Act, after the words "other than a local authority" there shall be inserted the words "or any other authority which is a local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891"; and in the definition of "local authority" directed by paragraph (*e*) of the said section five to be substituted for the definition of "local authority" in subsection (1) of section four of the said Act, after the words "'local authority' means" there shall be inserted the words "(except where the context otherwise requires)". 54 & 55 Vict. c. 34.

8.—(1) This Act may be cited as the Repair of War Damage Act, 1941. Short title and commencement.

(2) This Act shall be deemed to have come into operation immediately after the coming into operation of the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) Act, 1939.

Section 6.

SCHEDULE.

Minor and Consequential amendments of Housing (Emergency Powers) Act, 1939.

1. Paragraph (*d*) of section one shall not have effect, and for paragraph (ii) of that section there shall be substituted the following paragraphs :—

" (ii) if within the said period the person having control of the building gives to the local authority notice in writing that he does not object to the execution by the local authority of the works specified in the notice, the local authority may execute those works, and any person authorised by the local authority may, for the purpose of executing the works, enter upon the building ;

(iii) in any other case the local authority shall, at or after the expiration of the period specified in the notice served by them, consider any representations made within that period by the person having control of the building, and if they are satisfied that the said person is able and willing to carry out the works necessary to render the building fit for housing purposes, shall withdraw the notice, but if they do not so withdraw the notice, may execute the works specified in the notice, or such other works, being works which in the opinion of the authority will render the building fit as aforesaid, as may be agreed between the authority and the person having control of the building, and any person authorised by the local authority may enter upon the building for the purpose of executing the works in question."

2. In paragraph (i) of section one for the words " with the consent of the Minister of Health " there shall be substituted the words " if authorised by the Minister of Health to exercise in relation to that building the powers conferred by this subsection ".

3. At the end of section two there shall be added the following subsection—

" (5) The Council of the Isles of Scilly shall, in relation to functions under section one of this Act, be deemed to be included in the local authorities enumerated in subsection (1) of section one of the Housing Act, 1936 (which enumerates the local authorities for the purposes of that Act)."

Consequential amendments of Essential Buildings and Plant (Repair of War Damage) Act, 1939.

4. In subsection (5) of section three after the words " or a local authority " there shall be inserted the words " or any other authority which is a local authority for the purposes of the Local Loans Act, 1875."

5. In subsection (1) of section four after the words " ' local authority ' means " there shall be inserted the words " (except where the context otherwise requires)."

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