

# Housing Act, 1936.

[26 GEO. 5. & 1 EDW. 8. CH. 51.]

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A.D. 1936.

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## CHAPTER 51.

An Act to consolidate the Housing Acts, 1925 to A.D. 1936.  
1935, and certain other enactments relating to —  
housing. [31st July 1936.]

**B**E 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 :—

### PART I.

#### LOCAL AUTHORITIES FOR PURPOSES OF THIS ACT.

1.—(1) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects England and Wales other than the administrative county of London shall be the council of the borough, urban district or rural district. Local authorities for purposes of this Act.

(2) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects the administrative county of London shall be,—

- (a) as respects the City of London, the Common Council;
- (b) as respects the administrative county of London other than the City of London, the metropolitan borough council or the London County Council as hereinafter provided.

A.D. 1936.

## PART II.

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE  
AND SANITARY CONDITION OF HOUSES.*Obligation of Lessors of Small Houses.*

Conditions  
to be  
implied on  
the letting  
of small  
houses.

2.—(1) In any contract for letting for human habitation a house at a rent not exceeding—

(a) in the case of a house situate in the administrative county of London, forty pounds;

(b) in the case of a house situate elsewhere, twenty-six pounds;

there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation :

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for human habitation, and the lease is not determinable at the option of either party before the expiration of three years.

(2) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.

(3) In this section the expression "landlord" means any person who lets for human habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

(4) This section applies to a contract made either before or after the commencement of this Act :

Provided that, in the case of a house let at a rent exceeding sixteen pounds and situate elsewhere than

in the administrative county of London or a borough or an urban district, being a borough or district which at the date of the contract had according to the last published census a population of fifty thousand or upwards, this section shall not apply if the contract was made before the thirty-first day of July, nineteen hundred and twenty-three.

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PART II.  
—cont.

**3.**—(1) Notwithstanding any stipulation to the contrary, where under a contract of employment of a workman employed in agriculture the provision of a house or part of a house for his occupation forms part of his remuneration, and the provisions of the foregoing section are inapplicable by reason only of the house or part of the house not being let to him, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly, with the substitution of “employer” for “landlord,” and such other modifications as may be necessary :

Application of foregoing section to houses occupied by agricultural workers otherwise than as tenants.

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

(2) This section shall apply whether the contract of employment was entered into before or after the commencement of this Act.

**4.** In the case of any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in the rent book, or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and, where there has been any failure to comply with the provisions of this section in respect of any house, any person who while the default continues demands or collects any rent in respect of the house as aforesaid shall on summary conviction be liable to a fine not exceeding forty shillings.

Information to be given to tenants of working-class houses.

A.D. 1936. *Duty of Local Authority in regard to Inspection of Houses.*

PART II.

—cont.

Duty of local authority to inspect their district and keep records.

5. It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any house therein is unfit for human habitation, and for that purpose it shall be the duty of the authority, and of every officer of the authority, to comply with such regulations and to keep such records as the Minister may prescribe.

*Power of Local Authorities to make and enforce Byelaws.*

Byelaws as to working-class houses.

6.—(1) The local authority may, and if required by the Minister shall, make and enforce byelaws with respect to houses which are occupied, or are of a type suitable for occupation, by persons of the working classes—

- (a) for fixing, and from time to time varying, the number of persons who may occupy such a house, and for the separation of the sexes therein;
- (b) for the registration and inspection of such houses;
- (c) for enforcing drainage and promoting cleanliness and ventilation of such houses;
- (d) for requiring provision adequate for the use of, and readily accessible to, each family, of—
  - (i) closet accommodation;
  - (ii) water supply and washing accommodation;
  - (iii) accommodation for the storage, preparation, and cooking of food;
 and, where necessary, for securing separate accommodation as aforesaid for every part of any such house which is occupied as a separate dwelling;
- (e) for the keeping in repair and adequate lighting of any common staircases in such houses;
- (f) for securing stability, and the prevention of and safety from fire;
- (g) for the cleansing and redecoration of the premises at stated times, and for the paving of the courts and courtyards;



- (*h*) for the provision of handrails, where necessary, for all staircases of such houses ;
- (*i*) for securing the adequate lighting of every room in such houses ;
- (*j*) for the prevention of nuisances arising from or in a part of a building or an underground room in respect of which a closing order under section twelve of this Act is in force ;
- (*k*) as respects houses situate in the administrative county of London, for the taking of precautions in the case of infectious disease ;

A.D. 1936.  
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PART II.  
—*cont.*

and any such byelaws, in addition to any other penalty, may prohibit the letting for occupation by members of more than one family of any such house unless the byelaws are complied with, subject, in the case of houses so let or occupied at the time when the byelaws come into force, to the allowance of a reasonable time for the execution of any works necessary for compliance with the byelaws.

(2) As from the appointed day within the meaning of Part IV of this Act, paragraph (*a*) of the last foregoing subsection, and any byelaws made under this section for the purposes specified in that paragraph, shall cease to have effect.

(3) The operation of any byelaws made under this section for any of the purposes specified therein may be limited to houses let in lodgings or occupied by members of more than one family.

(4) If a local authority, when required by the Minister to make byelaws under this section for any of the purposes specified therein, fail to make, within such period as he may specify, byelaws satisfactory to him for those purposes the Minister may himself make byelaws for those purposes, and any byelaws so made by him shall have effect, and shall be enforced, as if they had been made by the local authority and duly confirmed.

(5) The Minister shall be the confirming authority as respects byelaws made under this section.

7.—(1) Byelaws made under the last foregoing section may impose the duty of executing any works necessary for compliance with the byelaws upon the owner within the meaning of the Public Health Acts of the house, or upon any other person having an interest

Enforce-  
ment of  
execution  
of works to  
comply with  
byelaws.

A.D. 1936. in the premises, and may prescribe the circumstances and  
— conditions in and subject to which any such duty is to  
PART II. be discharged.  
—*cont.*

(2) For the purpose of discharging any duty so imposed, the person upon whom it is imposed may at all reasonable times enter upon any part of the premises.

(3) Where any person has failed to execute any works which he has been required to execute under any such byelaws, the local authority by whom the byelaws are to be enforced may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the expenses, and for that purpose the provisions of section ten of this Act with respect to the enforcement of notices requiring the execution of works, and the recovery of expenses, by local authorities shall apply with such modifications as may be necessary.

(4) Where the person on whom obligations are imposed by any such byelaws holds the premises under a lease or agreement and satisfies the local authority that compliance with the byelaws is contrary to the provisions of the lease or agreement, or that the whole or any part of the expenses of carrying out the obligations ought to be borne by his lessor or other superior landlord, the local authority may make application to the county court, and that court may, after giving the lessor or any other superior landlord an opportunity of being heard,—

(a) in the first case, order that the provisions of the lease or agreement be relaxed so far as they are inconsistent with the requirements of the byelaws;

(b) in the second case, grant to the person who carries out the works necessary for compliance with the byelaws, on proof to the satisfaction of the local authority that the works have been properly carried out, a charging order charging on the premises an annuity, of such amount and extending over such number of years as the court may determine, to repay the expenses properly incurred in carrying out the works, or such part of those expenses as, in the opinion of the court, ought to be so charged.

(5) Where a local authority have acquired a leasehold interest in any house under the powers conferred upon them by this Act, the Minister, on the application of the local authority, may make any such order with regard to the relaxation of the provisions of the lease and to charging an annuity on the premises as might, had the lessee not been the local authority, have been made on the application of the local authority by the county court, and in that case the decision of the Minister as to the amount and duration of any such annuity shall be final.

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PART II.  
—cont.

8.—(1) As respects the administrative county of London, the London County Council shall be the local authority for the purpose of making and enforcing byelaws under section six of this Act for the purposes specified in paragraph (*f*) of subsection (1) of that section, to the exclusion, as regards the City of London, of the Common Council.

Byelaws as to working-class houses (provisions as to London).

(2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purpose of making byelaws under section six of this Act for the purposes specified in subsection (1) of that section other than the purposes specified in paragraph (*f*) thereof, and the metropolitan borough council shall be the local authority for the purpose of the enforcement of such byelaws.

(3) Byelaws made by the London County Council under section six of this Act may provide that the byelaws shall, either generally or as respects any particular metropolitan borough or any part thereof, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(4) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply in relation to any byelaws to be made or enforced under section six of this Act by the Common Council of the City of London.

26 Geo. 5. &  
1 Edw. 8.  
c. 48.

(5) At least two months before the London County Council apply to the Minister for the confirmation of any byelaws made by them under section six of this Act they shall send a copy of the proposed byelaws to every metropolitan borough council by whom the byelaws will

A.D. 1936. have to be enforced, and the county council shall  
 — consider any representations made to them thereon by  
 PART II. any such metropolitan borough council.  
 —cont.

*Repair, Demolition and Closing of Insanitary  
Premises.*

Power of  
local  
authority  
to require  
repair of  
insanitary  
house.

9.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house which is occupied, or is of a type suitable for occupation, by persons of the working classes is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

(2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(3) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.

(4) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression "rack-rent" means rent which is not less than two-thirds of the full net annual value of the house.

10.—(1) If a notice under the last foregoing section requiring the person having control of a house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

(2) Where the local authority are about to enter upon a house under the provisions of the last foregoing subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of the notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Minister may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person,

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PART II.

—*cont.*

Enforce-  
ment of  
notice  
requiring  
execution  
of works.

A.D. 1936. or in part from him and as to the remainder from that  
other person :

—  
PART II.  
—cont.

Provided that, if the person having control of the house proves that he—

(a) is receiving the rent merely as agent or trustee for some other person; and

(b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.

(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

15 & 16  
Geo. 5. c. 20.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

A.D. 1936.  
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PART II.  
—*cont.*

**11.**—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

Power of  
local  
authority  
to order  
demolition  
of insani-  
tary house.

(2) A person upon whom notice is served under the foregoing subsection shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer and shall, within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.

(3) The authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(4) If no such undertaking as is mentioned in the last foregoing subsection is accepted by the authority, or

A.D. 1936. if, in a case where they have accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve a copy of the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection.

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PART II.  
—cont.

Power to  
make a  
closing  
order as to  
part of a  
building.

**12.**—(1) A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is occupied, or is of a type suitable for occupation, by persons of the working classes, or in relation to any underground room which is for the purposes of this section to be deemed to be unfit for human habitation, as they are empowered to take in relation to a house, subject, however, to this qualification that, in circumstances in which, in the case of a house, they would have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority, but—

- (a) the approval of the authority shall not be unreasonably withheld; and
- (b) the authority shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

(2) A room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within



nine feet of the room, shall for the purposes of this section be deemed to be unfit for human habitation, if either—

A.D. 1936.

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PART II.  
—cont.

- (a) the average height of the room from floor to ceiling is not at least seven feet; or
- (b) the room does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation :

Provided that, if the local authority, after being required to do so by the Minister, fail to make regulations, or such regulations as the Minister approves, the Minister may himself make regulations which shall have effect as if they had been made by the local authority with the consent of the Minister.

**13.**—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority shall enter and demolish the house and sell the materials thereof.

Procedure  
where  
demolition  
order made.

(2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the house or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.

(3) Any surplus in the hands of the authority shall be paid by them to the owner of the house, or if there is more than one owner, shall be paid as those owners may agree. If there is more than one owner and the owners do not agree as to the division of the surplus,

A.D. 1936. the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the house, and section sixty-three of the Trustee Act, 1925 (which relates to payment into court by trustees) shall have effect accordingly.

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PART II.  
—cont.  
15 & 16  
Geo. 5. c. 19.

(4) The county court within the jurisdiction of which the house is situate shall have jurisdiction to hear and determine any proceedings under subsection (2) of this section, and shall have jurisdiction under section sixty-three of the Trustee Act, 1925, in relation to any such surplus as is mentioned in subsection (3) of this section.

(5) A county court judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a house, shall have regard to their respective interests in the house, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

Penalty for using premises in contravention of closing order or of an undertaking.

**14.** Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the order or undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

Appeals.

**15.—(1)** Any person aggrieved by—

- (a) a notice under this Part of this Act requiring the execution of works;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice;
- (c) an order made by a local authority with respect to any such expenses;

- (*d*) a demolition order made under this Part of this Act; A.D. 1936.  
PART II.  
—cont.
- (*e*) a closing order, or a refusal to determine a closing order;
- (*f*) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force;

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal to the county court within the jurisdiction of which the premises to which the notice, demand, or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order in relation to which an appeal is brought before the appeal has been finally determined :

Provided that—

- (i) on an appeal under paragraph (*b*) or paragraph (*c*) of this subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and
- (ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) On an appeal to a county court under this section—

- (*a*) the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

A.D. 1936.

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PART II.—*cont.*

(b) where the judge allows an appeal against a notice requiring the execution of works to a house, he shall, if requested by the authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense:

Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section eleven of this Act was served an undertaking to carry out any works, unless the appellant complied with the requirements of subsection (2) of that section.

24 & 25  
Geo. 5. c. 53.

(3) The rules made under section ninety-nine of the County Courts Acts, 1934, for regulating the procedure and practice under this section shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that inspection is desirable.

(4) No appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings under this section.

(5) Any notice, demand or order against which an appeal might be brought to a county court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in subsection (1) of this section, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.

For the purposes of this Part of this Act, the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, upon the expiration of the period within which such an appeal might have been brought.

**16.**—(1) Where a person has appealed against a notice under this Part of this Act requiring the execution of works to a house, and the judge or court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Minister within six months after the determination of the appeal and confirmed by him in accordance with the provisions of the First Schedule to this Act; but if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister, and within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(4) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district and of any planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

**17.**—(1) If it appears to the local authority that a house, to which a demolition order made under this Part of this Act applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which

A.D. 1936.

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PART II.

—*cont.*

Power of local authority to acquire and repair certain houses.

9 & 10

Geo. 5. c. 57.

Power of local authority to cleanse from vermin building to

A.D. 1936. it becomes operative in relation to the house, serve notice in writing on the owner or owners of the house that the authority intend to cleanse it before it is demolished.

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**PART II.**  
—*cont.*

which demolition order applies.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the house and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition :

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the house has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

(3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section thirteen of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

*General.*

Power of local authority to make allowances to certain persons displaced.

**18.** A local authority may pay to any person displaced from a house, to which a demolition order made under this Part of this Act, or a closing order, applies, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house, and in estimating that

loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

A.D. 1936.

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PART II.  
—*cont.*

**19.**—(1) If an owner of any house, who is not the person in receipt of the rents and profits thereof, gives notice to the local authority of his interest in the house, the authority shall give to him notice of any proceedings taken by them in pursuance of this Part of this Act in relation to the house.

Provisions  
for pro-  
tection of  
owners of  
houses.

(2) Nothing in this Part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority under this Part of this Act; and if any owner is obliged to take possession of a house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance which has occurred before he so took possession.

**20.**—(1) Where any owner has completed in respect of a house any works required to be executed by a notice of a local authority under this Part of this Act, he may apply to the local authority for a charging order.

Power of  
local  
authority to  
grant charg-  
ing order to  
owner on  
completion  
of works.

(2) An applicant for a charging order under this section shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and accounts of and vouchers for the expenses of the works; and the local authority, when satisfied that the owner has duly executed the required works, and of the amount of the expenses, and of the costs properly incurred in obtaining the charging order, shall make an order accordingly charging on the house an annuity to repay the amount.

(3) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term

A.D. 1936. of thirty years to the owner named in the order, his executors, administrators, or assigns.

PART II.  
—cont.

(4) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk to the authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the house is situate, and be by him filed and recorded.

(5) Any person aggrieved by a charging order made by a local authority under this section may appeal to Quarter Sessions against the order by a notice of appeal given within one month after notice of the charging order has been served upon him, and where a notice of appeal is so given, no proceedings shall be taken under the order until the appeal is determined or ceases to be prosecuted.

42 & 43 Vict.  
c. 49.

(6) Section thirty-one of the Summary Jurisdiction Act, 1879 (which relates to appeals from courts of summary jurisdiction to courts of quarter sessions) shall apply in relation to an appeal under this section with the necessary modifications as if the charging order were an order of a court of summary jurisdiction.

(7) A court of quarter sessions to which an appeal is brought under this section shall, at the request of either party to the appeal, state the facts in the form of a special case for the opinion of the High Court.

Provisions  
as to form,  
effect, &c.,  
of charging  
orders.

**21.**—(1) Every charge created by a charging order under this Part of this Act shall be in such form as the Minister may prescribe, and shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—

- (a) tithe commutation rentcharge; and
- (b) until extinguished, quit rents and other charges having their origin in tenure; and
- (c) any charge on the premises created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority; and
- (d) any charge created under any Act authorising advances of public money;



and where more charges than one are charged under this Part of this Act on any premises such charges shall, as between themselves, take order according to their respective dates.

A.D. 1936.

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PART II.  
—cont.

(2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this Part of this Act directed with reference to, or consequent on, the obtaining of such an order or the making of such a charge, have been duly served, done, and taken, and that the charge has been duly created, and is a valid charge on the premises declared to be subject thereto.

(3) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.

(4) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred; and any such transfer may be in such form as the Minister may prescribe.

(5) Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Minister.

(6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last mentioned Act, every charging order under this Part of this Act which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered.

15 & 16  
Geo. 5. c. 22.  
47 & 48 Vict.  
c. 54.

22.—(1) Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes,

Prohibition  
of back-to-  
back  
houses.

A.D. 1936. and any such house shall for the purposes of this Act be deemed to be unfit for human habitation :

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PART II.  
—cont.

Provided that nothing in this section shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the borough or district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

(2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, on the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

Application of certain provisions of Part II to temporary shelters.

**23.** In sections nine to seventeen of this Act references to a house include a reference to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those sections.

Local authority for Part II in London (other than the City).

**24.** As respects the administrative county of London other than the City of London the local authority for the purposes of this Part of this Act shall, subject to the provisions of section eight of this Act, be the council of the metropolitan borough.

### PART III.

#### CLEARANCE AND RE-DEVELOPMENT.

##### *Clearance Areas.*

Power to declare an area to be a clearance area.

**25.**—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—

(a) that the houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad

arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and

- (b) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area;

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Part of this Act:

Provided that, before passing any such resolution, the authority shall satisfy themselves—

- (i) that, in so far as suitable accommodation available for the persons of the working classes who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and
- (ii) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who on a day specified in the statement were occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have declared any area to be a clearance area, they shall, in accordance with the appropriate provisions hereafter in this Act contained, proceed to secure the clearance of the area in one or other of the following ways, or

A.D. 1936. partly in one of those ways and partly in the other of  
them, that is to say—

PART III.  
—cont.

(a) by ordering the demolition of the buildings in  
the area; or

(b) by purchasing the land comprised in the area and  
themselves undertaking, or otherwise securing,  
the demolition of the buildings thereon.

Clearance  
orders.

**26.**—(1) Where as respects any area declared by  
them to be a clearance area a local authority determine  
to order any buildings in the area to be demolished,  
they shall make and submit to the Minister, for con-  
firmation by him, an order (in this Act referred to as a  
“clearance order”) ordering the demolition of each of  
those buildings.

(2) The provisions of the Third Schedule to this  
Act shall have effect with respect to the making, sub-  
mission and confirmation of a clearance order, and the  
provisions of the Second Schedule to this Act shall have  
effect with respect to the validity and date of operation  
of such an order.

(3) When a clearance order has become operative,  
the owner or owners of any building to which the order  
applies shall demolish that building before the expiration  
of six weeks from the date on which the building is  
required by the order to be vacated or, if it is not vacated  
until after that date, before the expiration of six weeks  
from the date on which it is vacated or, in either case,  
before the expiration of such longer period as in the  
circumstances the local authority may deem reasonable;  
and, if the building is not demolished before the expiration  
of that period, the local authority shall enter and demolish  
the building and sell the materials thereof.

(4) The provisions of subsections (2) to (5) of section  
thirteen of this Act shall apply in relation to any expenses  
incurred by the authority under the last foregoing sub-  
section and to any surplus remaining in the hands of the  
authority as they apply in relation to any expenses or  
surplus in a case where a house is demolished in pur-  
suance of a demolition order made under Part II of this  
Act, with the substitution of references to the building  
demolished under this section for references to the house  
demolished under the said section thirteen.

(5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose :

A.D. 1936.

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PART III.  
—cont.

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

(6) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under the last foregoing subsection shall, on summary conviction, be liable to a fine not exceeding forty shillings, and to a further fine not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

(7) The provisions of section seventeen of this Act relating to the cleansing of houses from vermin shall have effect in relation to a house to which a clearance order applies as they have effect in relation to a building to which a demolition order made under Part II of this Act applies, with the substitution, for the reference to the date on which the demolition order is made, of a reference to the date on which the clearance order is confirmed, and, for the reference to subsection (1) of section thirteen of this Act, of a reference to subsection (3) of this section.

(8) In the provisions of this Part of this Act relating to buildings included in an area to which a clearance order applies, references to a building shall include references to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in subsection (5) of this section includes a reference to the erection or placing on land of a hut, tent, caravan or other temporary or movable form of shelter.

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## PART III.

—cont.

Purchase  
by local  
authority  
of land  
surrounded  
by, or  
adjoining,  
a clearance  
area.

**27.** Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

Provisions  
with respect  
to property  
belonging  
to a local  
authority  
within,  
surrounded  
by or  
adjoining,  
a clearance  
area.

**28.** Subject to the provisions of this section, a local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under the last foregoing section had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area :

Provided that the foregoing provisions of this section shall not apply in the case of any land belonging to the local authority being working-men's dwellings which were acquired by them under any such Act or Order as is mentioned in section one hundred and thirty-seven of this Act and in such circumstances that, in the case of land acquired before the commencement of this Act, the provisions of paragraph (1) of the Fifth Schedule to the Housing Act, 1925, or, in the case of land acquired after the commencement of this Act, the provisions of paragraph (1) of the Eleventh Schedule to this Act, took effect in relation thereto.

15 & 16  
Geo. 5. c. 14.

Purchase of  
land in  
a clearance  
area.

**29.—(1)** Where a local authority have determined to purchase under this Part of this Act land comprised in, or surrounded by or adjoining, a clearance area, they may purchase that land by agreement, or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(2) An order authorising the compulsory purchase of land comprised in a clearance area shall be submitted

to the Minister within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area shall be submitted to the Minister within twelve months, after the date of the resolution declaring the area to be a clearance area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

A.D. 1936.

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PART III.  
—cont.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

**30.**—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and, subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations, shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—

Treatment  
of a  
clearance  
area.

- (a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Minister, and subject to the like restrictions as are contained in section one hundred and sixty-three of the Local Government Act, 1933, with respect to the appropriation of land by local authorities under that section, appropriate the land for any purpose for which they are authorised to acquire land; or
- (b) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit:

22 & 23  
Geo. 5. c. 51.

Provided that, in lieu of selling the land, the authority may, where the owner of other land (being land which

A.D. 1936.

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PART III.  
—cont.

the authority have power to acquire) is willing to take the land in exchange for that other land, exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the authority as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder.

(2) Land sold, exchanged or leased under this section shall be sold, exchanged or leased at the best price, for the best consideration, or for the best rent, that can reasonably be obtained having regard to any restriction or condition imposed.

(3) For the purposes of this section “ sale ” includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and “ sell ” has a corresponding meaning.

Arrange-  
ments where  
acquisition  
of land in  
a clearance  
area found  
to be un-  
necessary.

**31.** Where a local authority have submitted to the Minister an order for the compulsory purchase of land in a clearance area, and the Minister, on an application for an authorisation under this section being made to him by the owner or owners of the land and the authority, is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the authority can secure the proper clearance of the area without acquiring the land, the Minister may—

(a) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or

(b) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such covenants



have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of the last foregoing section.

A.D. 1936.

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PART III.  
—cont.

**32.**—(1) Where land has been cleared of buildings in accordance with a clearance order, the local authority may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the authority and any restrictions or conditions imposed under subsection (5) of section twenty-six of this Act.

Power of local authority to purchase cleared land which owners have failed to re-develop.

(2) Where a local authority have determined to purchase land under this section, they may purchase that land by agreement or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(3) An order authorising the compulsory purchase of land for the purposes of this section shall be submitted to the Minister within three months after the date of the passing of the resolution to purchase.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation, of a compulsory purchase order made under this section.

(5) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation, in accordance with the provisions of section thirty of this Act.

**33.** Within a metropolitan borough both the London County Council and the council of the borough shall be local authorities for the purposes of the provisions of this Part of this Act relating to clearance areas :

Local authority for clearance areas in London

A.D. 1936.

Provided that—

PART III.  
—*cont.*  
(other than  
the City).

- (a) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be a clearance area, they shall give to the county council notice in writing of their intention, and shall not declare that area to be a clearance area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area or as part of a clearance area; and if in any such case as aforesaid the county council do not give notice of their intention to deal with the area and the borough council proceed to declare the area to be a clearance area, the county council may, if they think fit, make a contribution towards any expenses incurred by the borough council in dealing with the area;
- (b) where an official representation relating to not more than ten houses is made to the county council, the county council shall, unless they consider that the area should be dealt with by them as a clearance area, forward the representation to the borough council concerned.

*Re-development Areas.*

Duty of  
local  
authority  
to secure  
re-develop-  
ment.

**34.**—(1) If the local authority for any urban area (that is to say, the City of London, the rest of the administrative county of London, a county borough, a non-county borough, or an urban district) are satisfied, as a result of an inspection carried out under section fifty-seven of this Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say—

- (a) that the area contains fifty or more working-class houses;
- (b) that at least one-third of the working-class houses in the area are overcrowded, or unfit for

human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;

- (c) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and
- (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

it shall be the duty of the local authority to cause the area to be defined on a map, and to pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Minister, and shall publish in one or more local newspapers circulating in their district a notice stating that the resolution has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.

**35.**—(1) Within six months after a local authority have passed a resolution under the last foregoing section, or within such extended period as the Minister may allow, the authority shall prepare and submit to the Minister a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provision of houses for the working classes, for streets and for open spaces.

A.D. 1936.  
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PART III.  
—*cont.*

Re-development plan.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

(3) Before submitting the plan to the Minister the local authority shall—

- (a) publish in one or more local newspapers circulating in their district a notice stating

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PART III.  
—cont.

that the plan has been prepared and is about to be submitted to the Minister, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and

- (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all statutory undertakers owning apparatus in that area.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, approve the plan, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.

(5) On receipt of notice of the Minister's approval the local authority shall publish in one or more local newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the authority shall prepare and submit to the Minister a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Minister shall have effect in relation to the new

plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(7) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of the Minister's approval of a re-development plan or of a new plan.

(8) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

**36.**—(1) When the Minister's approval of a re-development plan has become operative, the local authority may with the approval of the Minister purchase by agreement, or may be authorised by means of an order made and submitted to the Minister and confirmed by him in accordance with the First Schedule to this Act to purchase compulsorily,—

- (a) land in the re-development area; and
- (b) any land outside that area which they may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Minister for the purchase, or to make and submit to the Minister orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

- (a) in the case of land shown in the re-development plan as intended for the provision of houses for

A.D. 1936.

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PART III.  
—cont.

Purchase of  
land for  
purposes of  
re-develop-  
ment.

A.D. 1936.

—  
PART III.—*cont.*

the working classes, six months from the date when the Minister's approval of the re-development plan becomes operative;

- (b) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Minister may, on the application of the local authority, allow in respect of any land.

(3) Where a local authority submit to the Minister an order for the compulsory purchase under this section of land which comprises or consists of a house which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the house is in that condition, and, if the Minister is of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(5) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of a local authority or is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by subsection (2) of this section shall not apply with respect to any such land.

(6) Land purchased by a local authority under this section for the provision of houses for the working classes shall be deemed to have been acquired by them under Part V of this Act.

(7) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Minister, be sold or leased to any person, or exchanged for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing

that it shall be re-developed or used in accordance with the re-development plan.

A.D. 1936.

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PART III.  
—cont.

(8) When the Minister's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

**37.** As respects the administrative county of London other than the City of London the London County Council shall be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas :

Local  
authority  
for re-  
develop-  
ment areas  
in London  
(other than  
the City).

Provided that where a metropolitan borough council give notice in writing to the London County Council that in their opinion their district comprises an area (the limits of which shall be specified) which ought to be defined as a proposed re-development area, and that they intend to pass such a resolution as is mentioned in subsection (1) of section thirty-four of this Act, the metropolitan borough council shall, as respects that area and subject as hereinafter provided, be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas—

- (a) if the London County Council within two months after the date of the receipt by them of such notice do not notify the metropolitan borough council that they intend themselves to deal with the area as a re-development area or as part of a re-development area, or as a clearance area or part of a clearance area, or that they propose to acquire the area or any part thereof as a site for the erection of houses for the working classes; or
- (b) if the London County Council notify the metropolitan borough council that they do not so intend to deal with the area or any part thereof;

so, however, that—

- (i) if a metropolitan borough council who become, in pursuance of this proviso, the local authority as respects that area do not submit to the

A.D. 1936.

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PART III.  
—cont.

Minister a re-development plan relating to that area within a period of two years after the date on which the metropolitan borough council so became the local authority, or such further period as may be approved by the Minister; or

- (ii) if the Minister decides that the area is not a suitable one to be dealt with by the metropolitan borough council;

the metropolitan borough council shall cease to be, and the London County Council shall be, the local authority as aforesaid as respects that area without prejudice to the rights of the metropolitan borough council to give a further notice under this proviso to the London County Council.

*Improvement Areas.*

Improve-  
ment areas.  
20 & 21  
Geo. 5. c. 39.

**38.**—(1) A local authority who have passed a resolution under section seven of the Housing Act, 1930, declaring an area to be an improvement area, shall as soon as may be—

- (a) in the case of houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition thereof, and enforce compliance with those notices; and
- (b) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land unless the authority are satisfied that the opening out of the area will be adequately carried out by the owner or owners of the land.

(2) Where a local authority have determined to purchase land under this section, they may purchase that land by agreement, or they may be authorised to purchase that land compulsorily by means of a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(3) An order authorising the compulsory purchase of land for the purposes of this section shall be submitted to the Minister within twelve months after the date of the



resolution declaring the area to be an improvement area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

A.D. 1936.

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PART III.

—cont.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(5) An authority who have purchased any land under this section shall carry out, or secure the carrying out of, such demolitions as may be necessary for opening out the area, and, subject thereto, shall deal with that land by sale, letting or appropriation in accordance with the provisions of section thirty of this Act.

(6) Where any action taken by a local authority under this section with respect to a house in an improvement area results in the tenant of that house, or of any part thereof, removing therefrom, then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon the removal the landlord comes into possession of the house or part of a house.

13 & 14

Geo. 5. c. 32.

(7) The declaration of any area to be an improvement area shall not preclude any local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

**39.**—(1) As respects the administrative county of London other than the City of London, the London County Council shall, subject to the provisions of the next succeeding subsection, be the authority to determine what steps shall be taken for the improvement of an improvement area, to purchase any land which they deem it expedient to acquire for opening out the area, and to carry out such demolition of buildings and such street works on that land as they deem necessary, but the council of the metropolitan borough in which the area is situate on being informed by the county council as to the steps which the county council have determined to be necessary for the improvement of the area, shall, subject as afore-

Local  
authority  
for improve-  
ment areas  
in London  
(other than  
the City).

A.D. 1936. said, take those steps and shall thereafter serve and  
 — enforce any necessary notices requiring the execution of  
 PART III. works to houses in the area, or the demolition of houses,  
 —cont. or the closing of parts of buildings therein :

Provided that, if it is represented to the Minister by the county council that a borough council have made default in exercising or performing any powers or duties under this subsection, the Minister may by order transfer those powers and duties to the county council and any expenses incurred by the county council in exercising or performing any powers or duties so transferred shall be a debt due from the borough council to the county council.

(2) Without prejudice to the powers of the London County Council under the last foregoing subsection, the council of a metropolitan borough shall, as regards any area within that borough which does not contain more than ten houses, be a local authority for the purposes of the provisions of this Part of this Act relating to improvement areas.

*General provisions as to clearance, re-development and improvement.*

Com-  
pensation in  
respect of  
land  
purchased  
compul-  
sorily under  
Part III.

**40.**—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the following provisions of this section.

(2) The compensation to be paid for land, including any buildings thereon, purchased as being land comprised in a clearance area shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district :

Provided that this subsection shall not have effect in the case of the site of a house or other building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed

or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

A.D. 1936.

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PART III.  
—*cont.*

(3) The compensation to be paid for a house which the local authority are authorised to purchase under section thirty-six of this Act as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be assessed in like manner as if it had been land purchased as being comprised in a clearance area.

(4) In the case of land other than land in respect of which the provisions of subsection (2) or (3) of this section have effect, the rules specified in the Fourth Schedule to this Act shall be observed.

**41.**—(1) Where a person upon whom notice of a clearance order or of a compulsory purchase order made under this Part of this Act is required to be served has duly made objection thereto on the ground that a building included therein is not unfit for human habitation, and the objection has not been withdrawn, the Minister shall not cause the public local inquiry with respect thereto to be held earlier than the expiration of fourteen days after it has been shown to his satisfaction that the local authority have served upon the objector a notice in writing stating what facts they allege as their principal grounds for being satisfied that the building is so unfit.

Obligation of local authority and of the Minister to state reasons for deciding that a building is unfit.

(2) Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under this Part of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.

**42.**—(1) Where, as respects a house which is made the subject of a compulsory purchase order under this Part of this Act as being unfit for human

Payments in respect of well-maintained houses.

A.D. 1936. habitation, or which is made the subject of a clearance  
— order (being in either case an order made on or after  
PART III. the twentieth day of December, nineteen hundred and  
—cont. thirty-four), the Minister is satisfied, after causing the  
house to be inspected by an officer of the Ministry of  
Health, that, notwithstanding its sanitary defects, it has  
been well maintained, the Minister may give directions  
for the making by the local authority of a payment  
under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

(a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the house; or

(b) to one and a half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member of his family continuously during the three years immediately before that date, three times, the rateable value of the house;

whichever is the greater :

Provided that a payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been purchased compulsorily but not as being unfit for human habitation) and the site value thereof (that is to say the amount which is payable as compensation by virtue of its being purchased compulsorily as being unfit for human habitation, or which would have been so payable if it had been so purchased), and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

(3) A payment under this section shall be made—

(a) if the house is occupied by an owner thereof, to him; or

(b) if the house is not so occupied, to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the authority think equitable in the circumstances :

A.D. 1936.

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PART III.  
—cont.

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression "rateable value" means in relation to a house the value which, in the valuation list in force at the date on which the order is made, is shown on that date as the rateable value of the house, or, where the net annual value differs from the rateable value, as the net annual value.

**43.**—(1) The Minister may make such order as he thinks fit in favour of any owner of any lands included in a clearance order, or in a compulsory purchase order made under this Part of this Act, or in a re-development plan or a new plan, for the allowance of reasonable expenses properly incurred by the owner in opposing the order or the approval of the plan.

Provisions  
as to costs  
of persons  
opposing  
orders  
and as to  
costs of  
Minister.

(2) All expenses incurred by the Minister in relation to any such order or approval as aforesaid, to such amount as the Minister thinks proper to direct, and all expenses of any person to such amount as may be allowed to him by the Minister in pursuance of the aforesaid power, shall be deemed to be expenses incurred by the local authority under this Part of this Act, and shall be paid to the Minister and to that person respectively in such manner and at such times, and either in one sum or by instalments, as the Minister may order; and the Minister may order interest to be paid at such rate not exceeding five pounds per cent. per annum as he thinks fit upon any sum for the time being due in respect of such expenses as aforesaid.

(3) Any order made by the Minister in pursuance of this section may be made a rule of the High Court, and be enforced accordingly.

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PART III.  
—*cont.*Power of  
local  
authority  
to make  
allowances  
to certain  
persons  
displaced.

**44.**—(1) A local authority may pay to any person displaced from a house or other building to which a clearance order applies, or which has been purchased by them either under the provisions of this Part of this Act relating to clearance areas or to improvement areas, or as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(2) Where, as a result of action taken by a local authority under the provisions of this Part of this Act relating to clearance areas or to improvement areas, the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship which, in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

Obligations  
of local  
authority  
with respect  
to re-  
housing.

**45.**—(1) A local authority who have passed a resolution declaring any area to be a clearance area or an improvement area shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Minister may consider to be reasonably necessary.

(2) In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the

displacements from time to time becoming necessary as the re-development proceeds.

46.—(1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

(2) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing subsection for the authority to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.

(3) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

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PART III.

—*cont.*

Extinguish-  
ment of  
ways,  
easements,  
&c., over  
land  
purchased  
under  
Part III.

A.D. 1936.

PART III.  
—cont.Provisions  
as to  
licensed  
premises  
purchased  
under  
Part III.  
10 Edw. 7.  
& 1 Geo. 5.  
c. 24.

**47.** Where land purchased by a local authority under this Part of this Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect—

- (a) the authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the authority in pursuance of such undertaking shall be treated as part of their expenses in purchasing the land;
- (b) if, after purchasing or contracting to purchase the premises, the authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that the licence, if not surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Clearance  
and im-  
provement  
areas  
in London  
(power to  
construct  
streets).

**48.** The London County Council may, on any land purchased by them in connection with a clearance area or improvement area, lay out and construct and sewer such new streets and such widenings and improvements of existing streets as they think fit, and all new streets and new parts of streets so constructed by them shall, when completed, become repairable by the council of the metropolitan borough.

Provisions  
as to  
apparatus  
of statutory  
undertakers  
in land

**49.—(1)** Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under this Part of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is



reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by the foregoing provisions of this Part of this Act, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
- (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to statutory undertakers reasonable compensation for any damage which

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PART III.  
—cont.

dealt with  
by local  
authority  
under the  
Housing  
Acts.

A.D. 1936. is sustained by them by reason of the execution by the  
— authority of any works under subsection (1) of this  
PART III. section and which is not made good by the provision of  
—cont. substituted apparatus. Any question as to the right of  
undertakers to recover compensation under this sub-  
section or as to the amount thereof shall be determined  
by arbitration.

(4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the

foregoing provisions of this section to be determined by arbitration shall—

A.D. 1936.

PART III.  
—cont.

(a) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;

(b) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

(7) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

*Re-development and Re-conditioning by Owners.*

50.—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part II, or the foregoing provisions of this Part, of this Act.

Re-develop-  
ment by  
owners.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of Part IV of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate

A.D. 1936. that such suitable alternative accommodation is available  
 — for the tenant or will be available for him by that future  
 PART III. date, and a certificate so issued shall, for the purposes  
 —cont. of the Rent and Mortgage Interest Restrictions (Amend-  
 23 & 24 ment) Act, 1933, have the like effect as if it had been  
 Geo. 5. c. 32. such a certificate as is mentioned in subsection (2) of  
 section three of that Act with respect to accommodation  
 to be provided forthwith or on that future date, as the  
 case may be.

Certificates  
 as to the  
 condition  
 of houses.

**51.**—(1) Any owner of a house, which is occupied, or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the local authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section, no action shall be taken under the provisions of this Part of this Act relating to clearance

areas or to improvement areas with a view to the demolition of the house as being unfit for human habitation, or under section eleven or twelve of this Act.

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PART III.  
—*cont.*

(5) In this section the expression "improvement" includes the provision of additional or improved fixtures or fittings.

**52.**—(1) The provisions of the two last foregoing sections shall not have effect in the case of premises comprised in a clearance order confirmed by the Minister or in a compulsory purchase order so confirmed under the provisions of this Part of this Act relating to clearance areas or to improvement areas, or in the case of premises comprised in a demolition order made under Part II of this Act which has become operative, or in the case of premises comprised in a re-development plan approved by him.

Exclusion from ss. 50 & 51 of premises comprised in certain orders, &c.

(2) Where proposals are submitted to a local authority under either of the two last foregoing sections in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Minister and the Minister shall deal with the proposals in connection with the consideration by him of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming the order or plan, the Minister excludes the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

**53.**—(1) As respect the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the three last foregoing sections.

Local authority for re-development, &c., by owners in London (other than the City).

(2) Before deciding to treat as satisfactory any proposals submitted to them for such re-development as is mentioned in section fifty of this Act, a metropolitan

A.D. 1936. borough council shall consult the London County Council and shall obtain their approval to the proposals :

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PART III.  
—cont.

Provided that if, within a period of two months from the date on which the metropolitan borough council first inform the London County Council in writing of any such proposals, the latter council fail to give notice to the metropolitan borough council of their approval of, or their refusal to approve the proposals, the London County Council shall be deemed to have given their approval thereto for the purposes of this section.

*Demolition of obstructive buildings.*

Power of local authority to order demolition of obstructive building.

**54.**—(1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority, and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.

(3) In this section the expression “obstructive building” means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.

(4) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling, showroom, or office, or which is the property of a local authority.

Effect of order for demolition of obstructive building.

**55.**—(1) If, before the expiration of the period within which a building in respect of which an order is made under the last foregoing section is thereby required to be vacated, any owner or owners, whose estate or

interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules specified in the Fourth Schedule to this Act, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

A.D. 1936.

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PART III.  
—cont.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.

(3) The provisions of subsections (2) to (5) of section thirteen of this Act shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the house demolished under the said section thirteen.

(4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed

A.D. 1936. in accordance with the Acquisition of Land (Assessment  
— of Compensation) Act, 1919, subject to observance of  
PART III. the rules specified in the Fourth Schedule to this Act,  
—cont. except that paragraphs (2) to (6) of section two of  
that Act shall not apply and that paragraph (1) of  
the said section two shall have effect with the sub-  
stitution of a reference to demolition for the reference  
to acquisition.

(5) Sections fifteen and nineteen of this Act shall have effect in relation to a demolition order made under the last foregoing section and to a building or part of a building to which such an order applies, as they have effect in relation to a demolition order made under Part II of this Act and to a house to which such an order applies, as if references therein to a demolition order included references to a demolition order under the last foregoing section and the references therein to Part II of this Act included references to the last foregoing section and this section.

Local authority  
for demolition of  
obstructive  
buildings in  
London (other  
than the City).

**56.** As respects the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the two last foregoing sections.

#### PART IV.

##### ABATEMENT OF OVERCROWDING.

Duty of  
local  
authority  
to inspect  
and to make  
reports and  
proposals  
as to over-  
crowding.

**57.**—(1) It shall be the duty of every local authority before such dates as may be fixed by the Minister as respects their district, to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Minister a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in their district, and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Minister gives a direction under this



subsection, he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

A.D. 1936.

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PART IV.  
—cont.

**58.**—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

Definition  
of over-  
crowding.

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or
- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the Fifth Schedule to this Act.

(2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit.

**59.**—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.

Offences in  
relation  
to over-  
crowding.

(2) The occupier of a dwelling-house which is occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and thereafter continuously live there, or children born after that day of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier after the appointed day and he fails to accept it; or
- (b) suitable alternative accommodation is so offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.

A.D. 1936.  
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PART IV.  
—*cont.*

(3) Where after the appointed day a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
- (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.

(4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

(5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—

- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding,

including if necessary legal proceedings for possession of the house; or

- (b) if, when letting the house after the appointed day, the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house;

and not otherwise.

**60.**—(1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee constituted under section one hundred and thirty-five of this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the Fifth Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.

(2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

**61.**—(1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a

A.D. 1936.

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PART IV.  
—cont.

Power of  
Minister to  
increase the  
permitted  
number  
temporarily  
to meet  
exceptional  
conditions.

Power of  
local  
authority to  
authorise

A.D. 1936. dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

PART IV.  
—*cont.*

the temporary use of a house by persons in excess of the permitted number.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section fifty-nine of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

(6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

Entries in rent books, information and certificates with respect to the permitted number.

**62.**—(1) As from the expiration of six months from the appointed day, every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections fifty-eight, fifty-nine and sixty-one of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a

fine not exceeding ten pounds. An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

A.D. 1936.

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PART IV.  
—cont.

(2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

(3) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the Fifth Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.

(4) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

**63.** The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

Information  
as to rights  
and duties  
as respects  
over-  
crowding.

**64.** Where after the appointed day it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days

Duty of  
landlord to  
inform local  
authority of  
over-  
crowding.

A.D. 1936. after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds :  
 —  
 PART IV.  
 —cont.

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

Right of  
landlord to  
obtain  
possession  
of over-  
crowded  
house.

**65.**—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house.

(2) Where a landlord comes into possession of a house by virtue only of the provisions of the foregoing subsection then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

Enforce-  
ment of  
Part IV.

**66.**—(1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority :

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

(2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may make com-

plaint to a court of summary jurisdiction and thereupon the court shall, by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

A.D. 1936.  
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PART IV.  
—cont.  
1 & 2 Vict.  
c. 74.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

(3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

**67.** Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and subsection (2) of section eleven of the Public Health (London) Act, 1936, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

Duty of medical officers to furnish particulars of overcrowding.  
26 Geo. 5. & 1 Edw. 8.  
c. 50.

**68.** In this Part of this Act, and in the Fifth Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively :—

Definitions for purposes of Part IV.

“The appointed day” means, in relation to any matter in relation to which the Minister has

A.D. 1936.  
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PART IV.  
—*cont.*  
25 & 26  
Geo. 5. c. 40.

appointed a day under section ninety-seven of the Housing Act, 1935, that day, and, in relation to any other matter, such day as the Minister may appoint under this provision, and the Minister may fix different days for different purposes and different provisions of this Part of this Act and of subsection (2) of section six of this Act and for different localities;

“ Dwelling-house ” means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use;

“ Landlord ” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and “ agent ” means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

“ Room ” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“ Suitable alternative accommodation ” means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

(a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;

(b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means; and



(c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation having regard to the standard specified in paragraph (b) of section one hundred and thirty-six of this Act.

A.D. 1936.  
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PART IV.  
—cont.

69.—(1) As respects the administrative county of London other than the City of London, the metropolitan borough council shall be the local authority for the purposes of the provisions of this Part of this Act other than the provisions of section fifty-seven of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Local  
authority  
for over-  
crowding  
in London  
(other than  
the City).

Provided that—

- (a) the metropolitan borough council shall, instead of submitting their report under section fifty-seven of this Act to the Minister, submit the report to the London County Council;
- (b) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;
- (c) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.

(2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purposes of the provisions of section fifty-seven of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Provided that—

- (a) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when

A.D. 1936.

—  
PART IV.  
—*cont.*

submitting to the London County Council their report under section fifty-seven of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses ;

- (b) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable cost the number of new houses proposed by them, the county council shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils ;
- (c) the London County Council, when submitting their proposals under section fifty-seven of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.

(3) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

Contributions by London County Council to expenses in relation to overcrowding.

**70.** The London County Council shall, as respects the period from the sixteenth day of May, nineteen hundred and thirty-four, to the thirty-first day of March, nineteen hundred and forty-one, and may, as respects any period subsequent to the last-mentioned date, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned

council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a sanitary inspector in connection with—

A.D. 1936.

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[PART IV.  
—cont.]

- (a) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and
- (b) the enforcement of the provisions of this Part of this Act :

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following conditions are satisfied in relation to that council, that is to say—

- (i) as respects any period before the second day of August, nineteen hundred and thirty-five, the amount of the expenses so incurred must be approved by the London County Council;
- (ii) as respects any period after the second day of August, nineteen hundred and thirty-five, the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;
- (iii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and
- (iv) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section sixty-seven of this Act.

A.D. 1936.

## PART V.

PROVISION OF HOUSING ACCOMMODATION FOR THE  
WORKING CLASSES.*General Powers and Duties of Local Authorities.*

Duty of local authorities periodically to review housing conditions in their areas and to frame proposals.

**71.** It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under section five of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

Mode of provision of accommodation.

**72.—(1)** A local authority may provide housing accommodation for the working classes—

- (a) by the erection of houses on any land acquired or appropriated by them;
- (b) by the conversion of any buildings into houses for the working classes;
- (c) by acquiring houses suitable for the purpose;
- (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

(2) The local authority may alter, enlarge, repair or improve any house so erected, converted, or acquired, and may fit out, furnish and supply any such house with all requisite furniture, fittings, and conveniences.

(3) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house is erected under the enactments relating to the housing of the working classes after the second day of August, nineteen hundred and thirty-five, whether with or without financial assistance from the Government, to secure—

A.D. 1936.

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PART V.  
—*cont.*

- (a) that a fair wages clause complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments, is inserted in all contracts for the erection of the house; and
- (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.

(4) For the purpose of this Part of this Act, “provision of housing accommodation” includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

**73.** A local authority shall have power under this Part of this Act—

Power of local authority to acquire land for provision of accommodation.

- (a) to acquire any land, including any houses or other buildings thereon, as a site for the erection of houses for the working classes;
- (b) to acquire any houses or other buildings which are, or may be made, suitable as houses for the working classes, together with any lands occupied with such houses or other buildings, or any estate or interest in such houses or other buildings and lands;
- (c) to acquire land for the purpose of—
  - (i) the lease or sale of the land, under the powers conferred by this Act, with a view to the erection thereon of houses for the working classes by persons other than the local authority;

A.D. 1936.

—  
PART V.  
—*cont.*

(ii) the lease or sale under the powers conferred by this Act of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for, or incidental to, the development of the land as a building estate, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons.

Mode of  
acquisition  
of land for  
provision of  
accommo-  
dation.

**74.**—(1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement, or they may be authorised to purchase land compulsorily for those purposes by means of a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(2) A local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes :

Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

(3) Where land is purchased compulsorily by a local authority under this section, the compensation payable in respect thereof shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules specified in the Fourth Schedule to this Act.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

**75.** Nothing in this Act shall authorise the compulsory acquisition for the purposes of this Part of this Act of any land which is the property of any local authority, or which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, or which at the date of the compulsory purchase order forms part of any park, garden or pleasure ground, or is otherwise required for the amenity or convenience of any house.

A.D. 1936.

PART V.  
—cont.

Restrictions  
as to com-  
pulsory  
acquisition of  
land for  
purposes of  
Part V

**76.** A local authority may, with the consent of the Minister, appropriate, for the purposes of this Part of this Act, any houses or land which may be for the time being vested in them, or at their disposal, subject as respects land vested in them for educational purposes to the provisions of section one hundred and fourteen of the Education Act, 1921.

Appropriation of land for provision of accommodation.

11 & 12  
Geo. 5. c. 51.

**77.** The provision of houses under this Part of this Act shall be deemed to be a local sanitary requirement for the purpose of the New Forest (Sale of Lands for Public Purposes) Act, 1902 :

Sale or lease of land in New Forest for provision of accommodation.

Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

2 Edw. 7.  
c. exviii.

**78.—(1)** A local authority or a county council may, notwithstanding anything in section three hundred and twenty-seven or section three hundred and thirty-two of the Public Health Act, 1875, but subject to the provisions of section fifty-two of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided under this Part of this Act, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of this Part of this Act :

Power to acquire water rights for houses provided.

38 & 39 Vict.  
c. 55.

Provided that no local authority or county council shall be authorised under this section to abstract any

A.D. 1936. water which any local authority, corporation, company, or person are empowered by Act of Parliament to impound, take, or use for the purpose of supply within any area, or any water the abstraction of which would, in the opinion of the Minister, injuriously affect the working or management of any canal or inland navigation.

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PART V.  
—cont.

(2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided shall be treated as part of the expenses of providing those houses.

Powers of dealing with land acquired or appropriated for provision of accommodation.

**79.**—(1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the authority may—

(a) lay out and construct public streets or roads and open spaces on the land;

(b) with the consent of the Minister, sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses suitable for the working classes as may be fixed by the authority in accordance with plans approved by them and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons;

(c) with the consent of the Minister, sell the land or part thereof, or exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;



(d) with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose either in regard to the maintenance of the houses as houses for the working classes or otherwise in regard to the use of the houses, and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.

A.D. 1936.

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PART V.  
—cont.

(2) Where a local authority under this section sell or lease land, they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

(3) Land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.

(4) Where a local authority acquire a house or other building which can be made suitable as a house for the working classes, or an estate or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

(5) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land) shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.

8 & 9 Vict.  
c. 18.

(6) For the purposes of this section, "sale" includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and "sell" has a corresponding meaning.

**80.**—(1) The powers of a local authority under this Part of this Act to provide housing accommodation, shall include a power to provide and maintain with the

Supplemen-  
tary powers.  
in connec-  
tion with

A D. 1936. consent of the Minister and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

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PART V.  
—*cont.*  
provision  
of accom-  
modation.

(2) The Minister, in giving his consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.

(3) The powers of the London County Council and of a metropolitan borough council under this Part of this Act to provide housing accommodation shall include also a power to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building or part of a building adapted for use for any commercial purpose:

Provided that the powers conferred by this subsection shall not be exercised outside the administrative county of London except with the consent of the council of the borough or district concerned.

Execution  
of works  
in connec-  
tion with  
housing  
operations  
by local  
authority  
outside its  
own area.

**81.**—(1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into agreements with the council of the county, borough or district in which the operations are being carried out as to the terms and conditions on which any such works are to be executed.

(2) Where housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall vest in the council of the borough or district in which the operations were

carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.

A.D. 1936.

PART V.  
—*cont.*

(3) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any of the houses which were constructed in accordance with plans and specifications approved by the Minister.

(4) Where housing operations under this Act have been carried out by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

**82.** Where the Minister approves the proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Minister, and the Minister's decision shall be final and binding upon the authorities.

Adjustment  
of differ-  
ences  
between  
local autho-  
rities as to  
carrying out  
proposals.

*Management, &c., of Local Authority's Houses.*

**83.**—(1) The general management, regulation, and control of houses provided by a local authority under this Part of this Act shall be vested in and exercised by the authority, and the authority may make such reasonable charges for the tenancy or occupation of the houses as they may determine.

Manage-  
ment and  
inspection  
of local  
authority's  
houses.

(2) Without prejudice to the provisions of the foregoing subsection, any such house shall be at all times open to inspection by the local authority of the district in which it is situate, or by any officer duly authorised by them.

A.D. 1936.

PART V.  
—*cont.*Byelaws for  
regulation  
of local  
authority's  
houses.

**84.**—(1) A local authority may make byelaws for the management, use, and regulation of houses provided by them.

(2) A local authority shall as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws make sufficient provision for the following purposes:—

- (a) for securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority;
- (b) for securing the due separation at night of men and boys above eight years old from women and girls;
- (c) for preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances;
- (d) for determining the duties of the officers, servants and others appointed by the local authority;

and a printed copy or sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.

(3) Any fine for the breach of any such byelaw shall be recoverable summarily and shall (subject to the provisions of section five of the Criminal Justice Administration Act, 1914) be paid to the credit of the fund or rate out of which the expenses of this Part of this Act are defrayed.

(4) The Minister shall be the confirming authority as respects byelaws made under this section.

(5) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply to byelaws under this section as respects the City of London.

(6) The proviso to subsection (1) of section thirty-nine of the London County Council (General Powers) Act, 1934, shall have effect where the London County Council make byelaws under this section as it has effect in relation to the byelaws referred to in that proviso.

24 & 25  
Geo. 5. c. xl.

**85.**—(1) A local authority shall, in relation to all houses and dwellings in respect of which they are required by section one hundred and twenty-eight of this Act to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.

(3) The authority shall secure that a number of houses or dwellings equal to the number of those in respect of which—

(a) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or

(b) the Minister has undertaken to pay a contribution to the authority under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926;

are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of that Act, except in so far as the demand for housing accommodation in the district of the authority on the part of such persons can be satisfied without such reservation.

(4) The authority shall secure that a number of houses equal to the number of those in respect of which the county council have undertaken to make a contribution to the authority under subsection (2) of section one hundred and fifteen of this Act, or are required by subsection (3) of that section to make a contribution to the authority, are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.

A.D. 1936.

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PART V.  
—cont.

Conditions  
to be  
observed  
in manage-  
ment of  
local autho-  
rity's  
houses.

16 & 17  
Geo. 5. c. 56.

A.D. 1936.

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PART V.  
—*cont.*

(6) The authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(7) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

(8) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of this section apply.

Conditions  
on sale of  
local autho-  
rity's  
houses.

**86.** If any house, building, land or dwelling in respect of which a local authority are required by section one hundred and twenty-eight of this Act to keep a Housing Revenue Account is sold by the authority with the consent of the Minister, he may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in the Eighth Schedule to this Act payable by the authority, as he thinks just.

Power to  
establish  
Housing  
Manage-  
ment Com-  
missions.

**87.**—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—

- (a) as to the mode of appointment and term of office of the members of the Commission;
- (b) as to the payment of remuneration out of funds under the control of the Commission to the chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or a representative of the local authority on a joint committee appointed by agreement between them and another body;
- (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
- (d) as to the financial relations between the local authority and the Commission;
- (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
- (f) for making the accounts of the Commission subject to audit by a district auditor or otherwise;
- (g) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and the manner in which that vesting is to be effected, and as to the re-vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and
- (h) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.

(3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government

A.D. 1936.

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PART V.  
—cont.

A.D. 1936. Act, 1933 (which relate to the transfer and compensation  
— of officers of a local authority affected by a scheme or  
PART V. order under Part VI of that Act), shall have effect in  
—cont. relation to a scheme submitted under this section as they  
have effect in relation to a scheme or order under the  
said Part VI, and as if references therein to a local  
authority included references to the Commission.

(4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.

(6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely :—

The Institute of Chartered Accountants in England and Wales ;

The Society of Incorporated Accountants and Auditors ;

The Society of Accountants in Edinburgh ;

The Institute of Accountants and Actuaries in Glasgow ;

The Society of Accountants in Aberdeen ;

The London Association of Certified Accountants, Limited ;

The Corporation of Accountants, Limited.



*Special Provisions as to Rural Districts.*

A.D. 1936.

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PART V.  
—cont.

**88.**—(1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to the housing conditions of persons of the working classes, the extent to which overcrowding or other unsatisfactory housing conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.

Duty of county council in respect of housing conditions in rural districts.

(2) The council of every rural district shall at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in the foregoing subsection as the county council may reasonably require for the purpose of enabling them to carry out their duties thereunder.

**89.**—(1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under this Part of this Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under this Part.

Agreements by county council for assisting rural district councils in provision of accommodation.

(2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such other incidental or consequential provisions as the councils think proper; and, for the purposes of any such agreement and so far as it extends, the county council shall be deemed to be a local authority for the purposes of this Part and section one hundred and five of this Act and of section twenty-seven of the Housing Act, 1930.

(3) Subject to the provisions of any such agreement as aforesaid, Government contributions shall be payable under section one hundred and five of this Act to that one of the councils by which re-housing accommodation available for displaced persons is provided,

A.D. 1936. notwithstanding that the operations in consequence  
— of which those persons were displaced were initiated or  
PART V. carried out by the other council.  
—cont.

*Power of certain authorities to assist financially the erection of houses, improvement of housing accommodation, &c.*

Loans by  
local  
authorities  
for the  
improve-  
ment of  
housing  
accommo-  
dation.

**90.**—(1) If the owner of a house or building applies to the local authority of the district in which the house or building is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement thereof, and the local authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a house or as houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it desirable that the works should be carried out, the local authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works, and any expenses incidental thereto :

Provided that the loan shall not exceed one-half of the estimated value of the property mortgaged, unless some additional or collateral security is given sufficient to secure the excess.

(2) Before the works are commenced, full particulars of the works and, where required by the local authority, plans and specifications thereof shall be submitted to the local authority for their approval, and before any loan is made the authority shall satisfy themselves that the works in respect of which the loan is to be made have been carried out in a satisfactory and efficient manner.

(3) For the purpose of this section, “owner” means any person whose interest, or any number of persons whose combined interests, constitutes or constitute either an estate of fee simple in possession, or a leasehold interest in possession for a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

**91.**—(1) A local authority for the purposes of this Part of this Act, or a county council, may, subject to such conditions as may be approved by the Minister—

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PART V.  
—cont.

(a) advance money, subject to the provisions hereinafter contained, to persons or bodies of persons—

Power of local authorities to make advances, &c., for the purposes of increasing housing accommodation.

(i) constructing or altering or undertaking to construct or alter houses; or

(ii) carrying out or undertaking to carry out repairs to any house in any case where the authority or council consider that having regard to the cost of those repairs, or the financial position of the applicant, it is reasonable to give to him such assistance; or

(iii) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three;

whether such houses are within or without the district of the authority or council;

(b) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1928, of any advances, with interest thereon, made by the society to any of its members for the purpose of enabling them to build houses or acquire houses, whether within or without the district of the authority or council, being houses the construction of which was commenced after the twenty-fifth day of April, nineteen hundred and twenty-three or, in the case of an undertaking to be given by the London County Council, after the thirty-first day of July, nineteen hundred and nineteen;

(c) in the case of the conversion of a house into two or more separate and self-contained flats, undertake that, if the aggregate rateable value of the flats exceeds the rateable value of the house before conversion, they will, during such period not exceeding twenty years as is specified in the undertaking, refund to the person by whom the rates on any such flat are

A.D. 1936.

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PART V.  
—*cont.*

payable the whole or any part of the difference between the rates paid by him and the rates which would be payable if the rateable value of the flat were reduced by such an amount that the reduced value would bear to the rateable value the same proportion as the rateable value of the house before conversion bears to the aggregate rateable value of the flats.

(2) The local authority or county council before granting any such assistance shall satisfy themselves that the houses or flats in respect of which assistance is to be given, will, when the building, alteration, repair or conversion has been completed, be in all respects fit for human habitation, and in particular that the superficial area of any such house or flat will not be less than—

- (a) in the case of a two-storied house, six hundred and twenty superficial feet; or
- (b) in the case of a structurally separate and self-contained flat or a one-storied house, five hundred and fifty superficial feet;

those measurements being calculated in accordance with the rules made by the Minister :

Provided that, if the authority or council in any particular case satisfy the Minister that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced, as respects such limited number of houses for that area and subject to such conditions as the Minister may determine, in the case of a two-storied house, to five hundred and seventy and, in the case of a flat or a one-storied house, to five hundred, superficial feet.

(3) Any such advance as aforesaid shall be subject to the following conditions :—

- (a) the advance with interest thereon shall be secured by mortgage, and the advance shall not exceed ninety per cent. of the value of the interest of the mortgagor in the property, and 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 is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority or council; and

- (b) the advance may be made by instalments from time to time as the building, alteration or repair of the house progresses, so, however, that the total of the advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction, or on works incidental to the construction, of the house, including the value of the interest of the mortgagor in the site thereof; and
- (c) the advance shall not be made except after a valuation duly made on behalf of the authority or council; and
- (d) where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired at the date of the advance.

In this subsection the expression "the value of the interest of the mortgagor" means, in relation to an advance secured by a mortgage created by a person who acts in that behalf in a fiduciary capacity and who has also a beneficial interest in the property, the value of the interest which that person has power to mortgage by virtue of his fiduciary capacity.

(4) An advance or guarantee under this section shall not be made or given if the estimated value of the fee simple in possession free from incumbrances of the house in respect of which the advance or guarantee is to be made or given exceeds eight hundred pounds, but such an advance or guarantee may be made or given in addition to assistance given by the local authority under any other Act in respect of the same house.

In the case of an advance or guarantee for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes

A.D. 1936.

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PART V.  
—cont.

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PART V.  
—cont.

of the foregoing limitation shall as respects any flat be the estimated value of the flat.

(5) An advance made under this section shall, for the purposes of this section, be deemed to be made on the date on which the mortgage securing the advance is executed.

(6) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

Loans by  
Public  
Works  
Loan Com-  
missioners  
to com-  
panies, &c.

**92.**—(1) The Public Works Loan Commissioners may, subject to the provisions of this section, lend money to any such person as is hereafter mentioned for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses for the working classes, and, in the case of a housing association, for the purchase of houses which may be made suitable as houses for the working classes and for the purchase and development of land, and any such person may borrow from the Public Works Loan Commissioners such money as may be required for the purposes aforesaid.

(2) The persons to whom money may be so lent and who may so borrow are—

(a) any railway company or dock or harbour company, or any housing association or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of, houses for the working classes, or for trading or manufacturing purposes, in the course of whose business, or in the discharge of whose duties, persons of the working classes are employed; and

(b) any person entitled to any land for an estate in fee simple absolute in possession, or for any term of years absolute whereof not less than fifty years for the time being remain unexpired.

(3) A loan for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by mortgage of the land and houses in respect of which that purpose is to be carried out, and of such other lands and houses (being houses which have been constructed or made suitable for the working classes

by the company, association, society, or person receiving the loan), if any, as may be offered as security for the loan.

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PART V.

—cont.

(4) Any such loan may be made whether the borrower has or has not power to borrow independently of this Act; but nothing in this Act shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(5) The following conditions shall apply in the case of any such loan :—

- (a) the period for repayment shall not exceed forty years :
- (b) no money shall be lent on mortgage of any land or houses, unless the estate therein proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute whereof not less than fifty years are unexpired at the date of the loan :
- (c) the money lent shall not exceed such proportion as is hereinafter authorised of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land or houses proposed to be mortgaged in pursuance of subsection (3) of this section, but loans may be made by instalments from time to time as the building of houses or other work on land so mortgaged progresses, so, however, that the total amount lent does not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such loans so to be made from time to time :

Provided that, where a loan is made under this section to a housing association for the purpose of carrying out a scheme for the provision of houses for the working classes approved by the Minister,—

- (i) the maximum period for the repayment of the loan shall be fifty instead of forty years :
- (ii) money may be lent on the mortgage of an estate for a term of years absolute whereof a period

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PART V.—*cont.*

not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.

(6) The proportion of such value as aforesaid authorised for the purpose of the loan shall be three-fourths :

Provided that—

(a) if the loan is to be made to a housing association and payment of the principal of and interest on the loan is guaranteed by a local authority for the purposes of this Part of this Act, or by a county council, the said proportion shall be nine-tenths ;

(b) in any other case, if the loan exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a mortgage as is mentioned in subsection (3) of this section, such further security as they may think fit.

38 & 39  
Vict. c. 89.

(7) Any loan made by the Public Works Loan Commissioners in pursuance of this section, or to borrowers other than local authorities for the provision of labourers' dwellings under the Public Works Loans Act, 1875, or any Act amending that Act, shall bear interest at such rate not less than three pounds two shillings and sixpence per cent. per annum as the Treasury may from time to time authorise as being in their opinion sufficient to enable the loan to be made without loss to the Exchequer.

(8) For the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses for the working classes, every such company, association or society as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding land acquired under this section and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

(9) A housing association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of any interest on loan capital at a rate exceeding six per cent. per annum, to raise



money on loan at a rate of interest not exceeding the rate of interest for the time being prescribed by the Treasury for the purposes of this Act with respect to housing associations.

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PART V.  
—cont.

*Housing Associations, &c.*

**93.**—(1) A local authority, for the purposes of this Part of this Act, or a county council, may promote the formation or extension of, or, subject to the provisions of this Act, assist, a housing association.

Power of local authorities and county councils to promote and assist housing associations.

(2) Where a housing association is desirous of erecting houses for the working classes, which in the opinion of the Minister are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may for this purpose acquire land and exercise all the powers of a local authority under this Part of this Act in regard to the acquisition and disposal of land, and the provisions of this Part of this Act as to the acquisition of land by local authorities shall apply accordingly.

(3) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Minister, may, for the assistance of a housing association—

- (a) make grants or loans to the association;
- (b) subscribe for any share or loan capital of the association;
- (c) guarantee or join in guaranteeing the payment of the principal of and interest on any money borrowed by the association (including money borrowed by an issue of loan capital) or of interest on any share capital issued by the association;

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or council think fit, and notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or

56 & 57 Vict.  
c. 39.

A.D. 1936. county council assist an association under this sub-  
 — section, the local authority or council shall not be  
 PART V. prevented from having or claiming an interest in the  
 —cont. shares of the association exceeding two hundred pounds.

(4) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

Power of local authorities to make arrangements with housing associations.

**94.**—(1) A local authority may with the approval of the Minister make arrangements with a housing association for the purpose of enabling the association to—

- (a) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part II or Part III of this Act for the demolition of insanitary houses or for the closing of parts of buildings or for dealing with clearance areas;
- (b) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act;
- (c) provide housing accommodation for persons of the working classes for the purpose of the abatement of overcrowding;
- (d) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Minister.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be

paid by the Minister to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution :

A.D. 1936.  
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PART V.  
—cont.

Provided that, if the Minister is satisfied that the association have made default in giving effect to the terms of any arrangements made between them and the local authority under this section, he may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as he thinks just.

(4) If the Minister reduces, or suspends, or discontinues the payment of, a contribution payable by him under the last foregoing subsection, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) For the purposes of section eighty of this Act, the housing accommodation in connection with which buildings or land may be provided under the said section shall include housing accommodation provided by a housing association under arrangements made with the local authority under this section or under section twenty-nine of the Housing Act, 1930.

(6) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the authority to furnish him with a report as to the matter stating the reasons for their refusal.

**95.** Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and

Unification  
of conditions  
affecting  
housing  
associations'  
houses.

A.D. 1936. after consultation with any local authority who are  
— under obligation to make grants or contributions in  
PART V. respect of any of the houses, make a scheme specifying,  
—*cont.* as conditions to be observed in the management of all  
the houses in substitution for the conditions or terms  
imposed as aforesaid, such conditions as he thinks fit,  
and in specifying the conditions to be so observed the  
Minister shall have regard to the provisions of this Part  
of this Act with respect to the conditions which a local  
authority are required to observe in relation to their  
houses.

Power of  
Minister to  
recognise  
central  
housing  
association.

**96.**—(1) If a central association or other body has  
at the date of the commencement of this Act been  
established, or is thereafter established, for the purpose  
of promoting the formation and extension of housing  
associations and of giving them advice and assistance,  
the Minister may, if he thinks fit, recognise such associa-  
tion or body for the purpose of this section.

(2) The Minister may, in any of the five years  
next following the date on which he recognises the said  
central association or body, make out of moneys pro-  
vided by Parliament a grant in aid of the expenses  
thereof of such amount as he may with the approval of  
the Treasury determine.

*Miscellaneous.*

Power of  
county  
councils and  
mental  
hospitals  
boards to pro-  
vide houses  
for their  
employees.

**97.** A county council or mental hospitals board  
shall have power to provide houses for persons employed  
or paid by, or by a statutory committee of, the council  
or board, and for that purpose may be authorised to  
acquire or appropriate land in like manner as a local  
authority may be authorised to acquire or appropriate land  
for the purposes of this Part of this Act.

Power of  
companies,  
&c., to  
provide  
houses for  
working  
classes.

**98.** Any railway company, or dock or harbour  
company, or any other company, society, or association  
established for trading or manufacturing purposes in the  
course of whose business, or in the discharge of whose  
duties, persons of the working class are employed, may  
(notwithstanding any Act of Parliament, or charter, or  
any rule of law or equity to the contrary) at any time

erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose and to pay for out of any funds at their disposal), houses for the accommodation of all or any of the persons of the working class employed by them.

A.D. 1936.

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PART V.  
—cont.

**99.**—(1) The trustees of any houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the houses to the local authority of the district, or make over to them the management thereof.

Trusts for provision of houses for working classes.

(2) If in any case it appears to the Minister that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of houses available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Minister may certify the case to the Attorney-General, and the Attorney-General may institute any legal proceedings, or intervene in any legal proceedings already instituted, in such manner as he thinks proper in the circumstances.

(3) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of houses available for the working classes, the court or body which is responsible for making the scheme shall communicate with the Minister and consider any recommendations made by him with reference to the proposed scheme.

**100.** Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of houses for the working classes at such price, or for such consideration, or for such rent, as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Power of corporate bodies to sell or let land for housing purposes.

A.D. 1936.

PART V.  
—cont.Power of  
water and  
gas com-  
panies to  
supply on  
favourable  
terms.Exercise of  
Public Health  
Acts powers  
for purposes  
of Part V.

**101.** Any commissioners or trustees of waterworks, water companies, gas companies, and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit.

**102.** The local authority may, for the purposes of this Part of this Act, exercise the same powers as in the execution of their duties under the Public Health Acts.

*Provisions as to London.*Local  
authority  
for Part V  
in London  
(other than  
the City).

**103.**—(1) As respects the administrative county of London other than the City of London, the question whether in any case the London County Council or the metropolitan borough council are to be the local authority for the purposes of this Part of this Act shall be determined in accordance with the succeeding provisions of this section.

(2) The London County Council shall be the local authority for the purposes of this Part of this Act so far as regards the provision of any houses outside the administrative county of London and for the purposes of section ninety-one of this Act.

(3) The London County Council shall carry out such reviews of housing conditions and submit to the Minister such proposals for the provision of new houses as are required by this Part of this Act, but, before preparing any such proposals, the county council shall consult with the councils of the several metropolitan boroughs, and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals.

(4) Subject as hereinafter provided, a metropolitan borough council shall be the local authority for the metropolitan borough so far as regards the provision of houses within the metropolitan borough :

Provided that—

A.D. 1936.

PART V.  
—cont.

- (a) nothing in this section shall prejudice or affect the rights, powers and privileges of the London County Council in regard to any lands, buildings or works acquired, provided or carried out by the county council before the thirty-first day of July, nineteen hundred and nineteen;
- (b) without prejudice to the powers conferred on a metropolitan borough council by this Act with respect to the provision of housing accommodation within their borough, the London County Council shall be a local authority for the purposes of this Part of this Act as respects any part of the administrative county of London, other than the City of London, for the purpose of providing housing accommodation for persons of the working classes being either—
- (i) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under this Act for the demolition of insanitary houses or for dealing with a clearance area; or
- (ii) accommodation required for the purpose of the abatement of overcrowding; or
- (iii) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act;
- (c) without prejudice to the powers conferred on a metropolitan borough council by this Act with respect to the provision of housing accommodation within their borough, the London County Council shall be a local authority as respects any part of the administrative county of London, other than the

A.D. 1936.

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PART V.  
—cont.

City of London, for the following purposes, that is to say, for the purposes of—

(i) paragraphs (b), (c) and (d) of subsection (1) of section seventy-two of this Act;

(ii) subsection (2) of section seventy-two of this Act, so far as that subsection relates to houses converted or acquired by a local authority;

(iii) paragraphs (b) and (c) of subsection (1) of section seventy-three of this Act;

(d) where the London County Council are satisfied that there is in a metropolitan borough land, whether with or without buildings thereon, which is suitable for development for housing, the county council may submit for the approval of the Minister a scheme for the development of that land to meet the needs of districts situate outside that borough or, with the consent of the council of that borough, to meet the needs thereof, and the county council may carry into effect any scheme which is so approved.

(5) The Minister may by order direct that any of the powers or duties of a metropolitan borough council under this Part of this Act, other than their powers under section ninety, shall be transferred to the London County Council, or that any of the powers or duties of the London County Council under this Part of this Act, other than their duties under subsection (3) of this section or their powers under section ninety-one, shall be transferred to a metropolitan borough council.

Exercise by local authorities in London of certain powers for purposes of Part V.

38 & 39 Vict. c. 55.

**104.**—(1) So much of subsection (1) of section seventy-four of this Act as provides that a local authority may acquire land for the purposes of this Part of this Act by agreement shall have effect so as to authorise a local authority in the administrative county of London to acquire land for those purposes by agreement in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far



as they relate to the purchase of land by agreement shall apply accordingly and shall for the purposes of this Part of this Act extend to London in like manner as if the Common Council of the City of London, the London County Council and a metropolitan borough council, respectively, were a local authority in the said sections mentioned.

A.D. 1936.

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PART V.  
—*cont.*

(2) The powers which a local authority are authorised by section one hundred and two of this Act to exercise for the purposes of this Part of this Act shall, in the case of a local authority in the administrative county of London, include powers of contract, and for the reference in the said section to duties under the Public Health Acts there shall be substituted, in relation to the London County Council, a reference to duties under the Metropolis Management Acts, 1855 to 1893, and, in relation to the Common Council of the City of London, a reference to duties under the City of London (Sewers) Acts, 1848 to 1897.

## PART VI.

### FINANCIAL PROVISIONS.

#### *Government Contributions.*

**105.**—(1) The Minister shall, subject to the provisions of this Part of this Act, make or undertake to make contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in connection with any action taken by them under this Act for the demolition of insanitary houses, or for dealing with clearance or improvement areas, or for the closing of parts of buildings, and in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken or by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit.

Government  
contribu-  
tions  
towards  
provision  
of accom-  
modation  
for persons  
displaced  
from unfit  
houses, &c.

(2) A contribution under this section shall be payable annually for a period of forty years, and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose

A.D. 1936. displacement is shown to the satisfaction of the Minister  
— to have been rendered necessary by such action of the  
PART VI. local authority as is mentioned in the last foregoing  
—cont. subsection :

Provided that the number of persons to be taken into account in calculating the contribution shall not exceed the number of persons of the working classes for whom suitable accommodation has, with the approval of the Minister, been rendered available by the authority in new houses.

(3) For the purposes of the last foregoing subsection the expression “ appropriate sum ” means—

- (a) in the case of persons displaced from houses in an agricultural parish, the sum of two pounds ten shillings; and
- (b) in the case of persons displaced from houses in other parishes, the sum of two pounds five shillings :

Provided that, if in any case the Minister certifies that it is necessary to provide on a site in a clearance area re-housing accommodation in buildings of more than three storeys, or to provide such accommodation on any other site which has been, or is to be, acquired or appropriated for the purpose with the consent of the Minister and of which the cost or, in the case of a site not purchased for the purpose, the value, as certified by the Minister, exceeds three thousand pounds per acre, the appropriate sum as respects persons for whom such accommodation is made available shall be three pounds ten shillings.

(4) For the purposes of the proviso to the last foregoing subsection, a group of buildings erected with the approval of the Minister within the same curtilage shall be deemed to form one building, and a building or such a group of buildings as aforesaid, though not in all parts exceeding three storeys in height, shall be deemed to be a building of more than three storeys, if the Minister is satisfied that the total accommodation provided therein could not have been provided on the same site in a building containing in all parts the same number of storeys unless that number exceeded three.

(5) Contributions under this section shall not be payable if contributions are payable in respect of the

houses either under the Act of 1923 or under the Act of 1924. A.D. 1936.

PART VI.  
—cont.

(6) No contribution shall be made under any of the three next succeeding sections towards any expenses in respect of which the Minister is required to make contributions under this section.

(7) For the purposes of this section, a house shall be deemed to be situated in an agricultural parish if—

(a) the net annual value of the agricultural land in the parish in which the house is situated as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded twenty-five per cent. of the total net annual value of that parish as appearing in the said list; and

(b) the population of the parish, according to the last published census before the beginning of the financial year in which persons are displaced from the house, is less than fifty persons per hundred acres.

(8) For the purposes of this section, the expression “agricultural land” has the same meaning as in the Rating and Valuation Acts, 1925 to 1932, and, in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by subsection (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as representing the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof.

15 & 16  
Geo. 5. c. 90.

(9) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister, whose decision shall be final.

(10) As respects the administrative county of London other than the City of London, both the London County Council and the council of a metropolitan borough shall be local authorities for the purposes of this section, and contributions thereunder shall be payable to that one of those authorities by whom re-housing accommodation in new houses available for displaced persons is provided,

A.D. 1936. notwithstanding that the operations in consequence of  
 — which those persons were displaced were initiated or  
 PART VI. carried out by the other of them.  
 —cont.

Government  
 contribu-  
 tions  
 towards  
 provision of  
 flats on sites  
 of high  
 value.

**106.**—(1) The Minister shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

- (a) required for the purpose of the abatement of overcrowding, or
- (b) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Minister in blocks of flats on sites the cost of which as developed (ascertained in accordance with the provisions of the Sixth Schedule to this Act) exceeds one thousand five hundred pounds per acre, being blocks of flats the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the appropriate sum as defined in the Sixth Schedule to this Act, payable annually for a period of forty years, in respect of each flat which is with the approval of the Minister provided for the purposes of such accommodation as aforesaid in such a block as aforesaid.

Government  
 contribu-  
 tions  
 towards  
 provision of  
 accommo-  
 dation  
 otherwise  
 than in flats  
 on sites of  
 high value.

**107.**—(1) Where a local authority propose to provide the whole or part of such housing accommodation as is mentioned in the last foregoing section in new houses, or in new flats not being such as to render a contribution payable under the last foregoing section, then, if the Minister is satisfied that, having regard to the amount of the expenditure already incurred or to be incurred by the authority under the enactments relating to housing in relation to the financial resources of the district, the provision of such accommodation would impose an undue burden on the district, by reason either—

- (a) of the amount of the rents which it will be practicable for the authority to charge for

the accommodation having regard to the conditions which the authority are required by Part V of this Act to observe; or

A.D. 1936.

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PART VI.  
—*cont.*

(b) of the necessity for providing an unusually high proportion of accommodation for large families;

he may, with the approval of the Treasury and subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by the local authority in providing such accommodation with his approval in new houses or flats.

(2) A contribution under this section shall be of such amount, not exceeding five pounds, payable annually for such period, not exceeding twenty years, as the Minister considers necessary, in respect of each such house or flat provided with his approval.

**108.**—(1) The Minister may, subject to the provisions of this Part of this Act and on the recommendation of a committee (hereinafter referred to as the Rural Housing Committee) appointed by him with the approval of the Treasury for the purposes of this section, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a rural district council in providing with the approval of the Minister new housing accommodation required for members of the agricultural population for the purpose of the abatement of overcrowding in the rural district.

Government contributions towards expenses of housing members of the agricultural population.

(2) A contribution under this section shall be of such amount, not being less than two pounds nor more than eight pounds, as the Minister may determine, payable annually for a period of forty years, in respect of each new house provided with his approval.

(3) In considering applications the Rural Housing Committee shall be guided by any general directions which may be given to them by the Minister, with the approval of the Treasury, for the purposes of this section.

**109.**—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration, in connection with contributions which he is required or

Review of certain Government contributions in case of new

A.D. 1936. authorised to make under each of the four last foregoing sections, the amount of expenses, towards which contributions would be payable by him under that section, likely to be incurred in the period of three years from the first day of April then the next following, and the amount of such expenses incurred in connection with operations already carried out.

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PART VI.  
—cont.  
houses  
provided at  
future  
times.

(2) As soon as may be after considering the matters aforesaid in any year, the Minister shall prepare with the approval of the Treasury, and lay before the Commons House of Parliament, a draft of an order providing, in relation to contributions under each of the said sections, either—

- (a) for the cesser of his obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or
- (b) for the continuance thereof without alteration; or
- (c) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both;

and if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Minister shall make an order in the terms of the draft, but in any other event he shall, as soon as may be after the expiration of that period, prepare and lay a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(3) The date to be specified in an order made under this section shall—

- (a) in the case of an order made in consequence of the consideration of the matters aforesaid in the year nineteen hundred and thirty-seven, be the thirty-first day of March nineteen hundred and thirty-eight; and
- (b) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(4) An order made under this section shall not provide for the alteration of the amount of any contributions, or of the period for which any contributions are to be payable, so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

(5) When taking into consideration the matters aforesaid, 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.

(6) An order under this section may make such consequential provision for the cesser of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to the Minister to be necessary for the purpose of adjusting them to the cesser of the Minister's contributions or to alterations of the amount or duration of the Minister's contributions.

**110.** Where a local authority or a county council submit to the Minister proposals for guaranteeing, in exercise of their powers under paragraph (b) of subsection (1) of section ninety-one of this Act, the repayment to a society of advances made by the society to any of its members for the purpose of enabling them to build or acquire houses intended to be let to persons of the working classes, if the Minister is satisfied that the guarantee extends only to the principal of, and interest on, the amount by which the sum to be advanced by the society exceeds the sum which would normally be advanced by it without any such guarantee, and that the liability of the local authority or county council under the guarantee cannot be greater than two-thirds of that principal and interest, the Minister, if he approves the proposals, may, with the consent of the Treasury, undertake to reimburse to the local authority or county council out of moneys provided by Parliament not more than one-half of any loss sustained by them under the terms of the guarantee :

Provided that any proposals made to the Minister under this section shall—

(a) include such particulars as he may direct as to the number and type of the houses intended to

A.D. 1936.

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PART VI.  
—cont.

Government contributions towards losses sustained under guarantees to building and other societies.

A.D. 1936.

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PART VI.  
—cont.

be built or acquired and the approximate size of them measured in superficial feet; and

- (b) make provision for securing, except in so far as the Minister may in any particular case dispense with either or both of the requirements of this paragraph, that the number of such houses in relation to the area occupied or intended to be occupied by and in connection with them will not exceed the rate of twelve to the acre and that each of them will be provided with a fixed bath.

Modification of Acts of 1919 and 1923 as to certain Government contributions.

**111.** The provisions of the Seventh Schedule to this Act shall have effect for the purpose of the determination of the amount of the following contributions which the Minister is required or authorised to make to a local authority, that is to say,—

- (a) contributions payable under section seven of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof; and
- (b) contributions payable under subsection (3) of section one of the Act of 1923.

Time and manner of payment of Government contributions.

**112.** Contributions to be made by the Minister to a local authority under any enactment in the Housing Acts shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

Power to withhold certain Government contributions in event of default.

**113.** If at any time the Minister is satisfied that a local authority have either—

- (a) failed to discharge any of the duties imposed on them by virtue of the Housing Acts; or
- (b) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Minister may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as he thinks just.



*Contributions out of rates.*

A.D. 1936.

**114.** A local authority to whom the Minister has undertaken to make a contribution under section one hundred and six, one hundred and seven or one hundred and eight of this Act in respect of any house shall make out of the general rate fund in respect thereof the contributions specified in relation thereto in the Eighth Schedule to this Act; and it shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall make out of the general rate fund the contributions specified in that Schedule.

PART VI.  
—cont.

Local  
authorities'  
contribu-  
tions.

**115.**—(1) When the council of a rural district have adopted proposals for the provision of houses, they may transmit to the county council a statement of their proposals and, where such a statement is so transmitted, the provisions of the next succeeding subsection shall have effect with respect to the making of contributions by the county council to the council of the rural district.

Contribu-  
tions by  
county  
council  
towards  
housing  
expenses in  
rural  
districts.

(2) If the council of the rural district claim that any of the houses which they propose to provide are required for the accommodation of the agricultural population of the district, the county council, or, in the event of any dispute between the county council and the district council, the Minister, shall determine for the purposes of this subsection how many of the houses are so required, and thereupon the county council shall undertake to make to the district council in respect of each of the forty years next following the completion of the houses a contribution at the rate of one pound per house:

Provided that no such contribution shall be payable in respect of a number of houses greater than the number of houses so determined as aforesaid to be required for the accommodation of the agricultural population of the district.

For the purposes of this subsection, the expression "agricultural population" means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons as aforesaid; the expression "agriculture"

A.D. 1936. includes dairy-farming and poultry-farming and the use  
 — of land as grazing, meadow, or pasture land, or orchard  
 PART VI. or osier land, or woodland, or for market gardens or  
 —cont. nursery grounds; the expression “ year ” means a period  
 of twelve months commencing on the first day of April;  
 and, in the event of any dispute, such date as the Minister  
 may determine shall be taken to be the date of the  
 completion of the houses.

(3) The county council shall, in respect of each house  
 towards the cost of which the Minister has undertaken to  
 make a contribution under section one hundred and eight  
 of this Act, make to the district council by whom the  
 house is provided, during the period of forty years next  
 following the completion of the house, an annual  
 contribution of one pound.

(4) Without prejudice to the provisions of the fore-  
 going subsections, the county council may, in the case of  
 any house provided with the approval of the Minister,  
 undertake to make to the district council an annual  
 contribution of such amount and payable during such  
 period as may be specified in the undertaking.

(5) If the Minister reduces, or suspends or dis-  
 continues the payment of, any Exchequer contribution  
 on the ground that the local authority have failed to  
 discharge a duty imposed upon them by Part V of this  
 Act to reserve accommodation for members of the  
 agricultural population or other persons, the county  
 council shall not be under any liability to make any  
 contribution under the foregoing provisions of this section  
 in respect of any year in respect of which the Exchequer  
 contribution is not paid in full.

*Expenses of Local Authorities.*

Expenses  
 of rural  
 district  
 councils and  
 county  
 councils.

**116.**—(1) Subject to the provisions of this Act,  
 any expenses incurred by a rural district council  
 under Part II of this Act, or under the provisions  
 of Part III of this Act relating to clearance areas or to  
 improvement areas, shall be charged as special expenses  
 on the contributory place in respect of which they are  
 incurred.

(2) Subject to the provisions of this Act, any  
 expenses incurred in the execution of this Act by a  
 county council, other than the London County Council,

shall be defrayed as expenses for general county purposes, or as expenses for special county purposes, as the case may require.

A.D. 1936.

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PART VI.  
—*cont.*

**117.**—(1) All expenses incurred in the execution of this Act by the Common Council of the City of London, or by the council of a metropolitan borough, shall be defrayed as part of their general expenses.

Expenses of  
local  
authorities  
in London.

(2) Subject to the provisions of this subsection, all expenses incurred in the execution of this Act by the London County Council in their capacity of local authority shall be defrayed as expenses for special county purposes, and all expenses so incurred by them in any other capacity shall be defrayed as expenses for general county purposes, or as expenses for special county purposes, as the case may require :

Provided that there shall be defrayed as expenses for general county purposes any expenses incurred by the council—

- (a) in connection with any action taken by them under this Act for dealing with clearance or improvement areas, or under the provisions of Part III of this Act relating to re-development areas, or under Part IV of this Act ;
- (b) in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by them under this Act for dealing with clearance or improvement areas or of housing accommodation required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan ;
- (c) in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough, in dealing with a clearance area or improvement area or in connection with any action taken by that council under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act or taken by that council in connection with the provision and maintenance of housing accommodation

A.D. 1936.

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PART VI.  
—*cont.*

required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan;

- (d) under section ninety-one or ninety-three of this Act; or
- (e) in making any additional contribution out of the county fund under paragraph 8 of the Eighth Schedule to this Act.

*Borrowing.*

Power of local authorities to borrow for purposes of Act.

**118.** Subject to the provisions of this Act, a local authority may borrow—

- (a) for the purposes of Part II of this Act, so far as it relates to the execution of repairs and works by local authorities;
- (b) for the purposes of Part III (except sections fifty-four to fifty-six) and Part IV of this Act;
- (c) for the purposes of Part V of this Act, except section eighty-seven, paragraph (c) of subsection (1) of section ninety-one, and section ninety-four.

Borrowing by local authorities in London.

2 & 3 Geo. 5.  
c. cv.

**119.** Money borrowed under this Act by a local authority in the administrative county of London may be borrowed—

- (a) in the case of the London County Council, in manner provided by the London County Council (Finance Consolidation) Act, 1912;
- (b) in the case of the Common Council of the City of London, under the City of London (Sewers) Acts, 1848 to 1897;
- (c) in the case of a metropolitan borough council, in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893 :

Provided that—

- (i) the maximum period which may be sanctioned as the period for which money may be borrowed by such a local authority for the

purposes of this Act shall, notwithstanding the provisions of any Act of Parliament, be eighty years; and

A.D. 1936.  
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PART VI.  
—*cont.*

- (ii) section one hundred and ninety of the Metropolitan Management Act, 1855 (which relates to the amount of annual contributions to be made to a sinking fund), shall have effect as if for the reference therein to a sum being not less than two pounds per cent. on the amount of the money borrowed there were substituted a reference to such sum as will be sufficient with compound interest to repay the money borrowed within the period sanctioned in respect of the loan.

18 & 19 Vict.  
c. 120.

**120.**—(1) A county council (other than the London County Council) may borrow for the purposes of this Act (other than the purposes of paragraph (c) of subsection (1) of section ninety-one of this Act).

Power of county councils and mental hospital boards to borrow.

(2) A mental hospital board may borrow, under and in accordance with Part IX of the Local Government Act, 1933, for the purposes of this Act so far as it relates to the provision of houses for persons in the employment of, or paid by, the board :

Provided that, where the money is borrowed for the purposes of the provision of houses or of acquiring land for houses, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years shall in the provisions fixing the period within which the board is required to repay loans be substituted for the period therein mentioned.

**121.**—(1) Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the operations, or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection

Borrowing in connection with operations carried out by local authority outside its own area.

A.D. 1936. with any works necessary for the purposes of the operations, or incidental to the carrying out thereof, which under this Act they are authorised to execute :  
 —  
 PART VI.  
 —cont.

Provided that any order of the Minister, in so far as it relates to the sanction of a loan under the foregoing provisions for the purpose of the payment of interest payable in respect of money borrowed, shall be provisional only and shall be of no effect until confirmed by Parliament.

(2) The council of any county, borough or district in which operations are being carried out as aforesaid shall have power, with the approval of the Minister, to borrow money for the purposes of any agreement entered into by the council with the local authority under Part V of this Act.

Power to  
issue local  
housing  
bonds.

**122.**—(1) Without prejudice to any other powers of borrowing, a local authority (other than a metropolitan borough council) or a county council may, with the consent of the Minister, borrow any sums which they have power to borrow for the purposes of this Act, by the issue of bonds (in this Act referred to as “local bonds”) in accordance with the provisions of this Act.

(2) The provisions set out in the Ninth Schedule to this Act shall have effect with respect to local bonds.

(3) Where on an application made by two or more local authorities or county councils the Minister is satisfied that it is expedient that those authorities or councils should have power to make a joint issue of local bonds, the Minister may by order make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities or councils.

The provisions of any such order shall have effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, and confirmed by Parliament.

(4) A local authority or county council by whom any local bonds have been issued may, without the consent of the Minister, borrow for the purpose of redeeming those bonds.

**123.**—(1) The Public Works Loan Commissioners may lend to any local authority or county council any money which that authority or council have power to borrow for the purpose of making advances or fulfilling guarantees under section ninety-one of this Act.

A.D. 1936.

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PART VI.  
—cont.

Loans by  
Public  
Works  
Loan Com-  
missioners  
to local  
authorities.

(2) Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act or to a county council or a mental hospital board for the purpose of the provision of houses for employees or for the purposes of section ninety-one of this Act—

- (a) the loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and
- (b) the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but shall not exceed eighty years; and
- (c) as between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

**124.** A county council may lend to any local authority within their area any money which that authority have power to borrow for the purposes of this Act, subject to any conditions (including conditions with respect to the borrowing by a local authority from the county council of the money so raised) which the Minister may by general or special order impose.

Power of  
county  
councils to  
lend to local  
authorities.

**125.** Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to advance to the council of any county, borough or district in which the operations are being carried out such sums as may, by reason of any agreement made with that council under that Part, be required by that council in connection with the construction by them of any works which are necessary for the purposes, or incidental to the carrying out, of the operations.

Power of  
local  
authority  
carrying out  
operations  
outside its  
own area  
to lend  
to other  
authority  
concerned.

A.D. 1936.

PART VI.

—cont.

Subscriptions  
by local  
authorities to  
local savings  
committees.*Subscriptions to Local Savings Committees.*

**126.** A local authority for the purposes of Part V of this Act may, subject to the approval of the Minister, contribute to the expenses of any local savings committee established for their district or any part thereof.

*Capital Moneys.*Application  
of purchase  
money, &c.

**127.** The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act, and any other capital moneys received by a local authority in respect of any transaction under section thirty, section thirty-two, section thirty-eight, or section seventy-nine of this Act shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may properly be applied :

Provided that capital moneys received in respect of any transaction under the last mentioned section may be applied by the authority in or towards the purchase of other land for the purposes of Part V of this Act.

*Accounts.*Obligation  
to keep  
Housing  
Revenue  
Account.

**128.** Subject to the provisions of this section, every local authority for the purposes of Part V of this Act shall keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

- (a) all houses and other buildings which at any time after the sixth day of February, nineteen hundred and nineteen, have been provided by a local authority under Part V of this Act;
- (b) all land which at any time after the said date a local authority have acquired or appropriated for the purposes of Part V of this Act, or are deemed to have acquired under Part V of this Act by virtue of subsection (6) of section thirty-six of this Act;
- (c) all dwellings in respect of which either—
  - (i) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or



- (ii) the Minister has undertaken to pay a contribution to the authority under subsection (2A) of section four of that Act; and
- (d) such other working-class houses as the authority with the consent of the Minister may from time to time determine.

A.D. 1936.  
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PART VI.  
—*cont.*

**129.**—(1) In each financial year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

Credits and  
debits in  
Housing  
Revenue  
Account.

- (a) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) in respect of such houses, buildings, land and dwellings as are mentioned in the last foregoing section ;
- (b) the Exchequer contributions, if any, payable to the authority for that year ;
- (c) the contributions, if any, payable to the authority by the county council under section one hundred and fifteen of this Act, for that year ;
- (d) the sums, if any, payable to the authority for that year by way of assistance under section one of the Housing (Rural Workers) Act, 1926 ; and
- (e) the authority's contributions out of the general rate fund referred to in the Eighth Schedule to this Act for that year ;

and shall debit to the account amounts equal to—

- (i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the sixth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes under Part V of this Act, or for the purpose of the execution of works in respect of which the Minister has undertaken to make a contribution under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926, or in respect of which the local authority for the purposes of that Act have given assistance thereunder ;

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PART VI.  
—*cont.*

- (ii) rents, taxes and other charges (except rates and water charges) which the authority are liable to pay for that year in respect of such houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iii) the expenditure of the authority for that year in respect of the supervision and management of such houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iv) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and
- (v) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Minister may direct.

(3) Where any such house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Minister otherwise directs as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to any income of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account shall be carried to the credit of that Account in like manner as if it had been income from rents, and where

a local authority for the purposes of Part V of this Act, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

A.D. 1936.

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PART VI.  
—*cont.*

(5) Where it appears to the Minister that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

**130.**—(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in making good to the general rate fund account any additional contributions under paragraph 8 of the Eighth Schedule to this Act credited to the Housing Revenue Account in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

Disposal of  
balances in  
Housing  
Revenue  
Account.

(2) Any surplus shown on the thirty-first day of March in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Minister may determine, be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

- (a) by transferring it to the Housing Repairs Account; or
- (b) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts, in proportion to the amount credited to the Housing Revenue Account under the last foregoing section, during the period of five years ending on the date on which the surplus is shown, in respect of Exchequer contributions on the one hand, and the amount so

A.D. 1936. credited in respect of the contributions referred to in  
 — the Eighth Schedule to this Act, less any amounts made  
 PART VI. good to the general rate fund account under subsection  
 —*cont.* (1) of this section, on the other hand, and an amount  
 equal to the first of those parts shall be paid to the  
 Minister and an amount equal to the other part shall  
 be credited to the general rate fund account.

Housing  
 Repairs  
 Account.

**131.**—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called “the Housing Repairs Account”) and shall in each financial year carry to the credit of that account from the Housing Revenue Account in respect of each house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of rates or water charges), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

(2) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(3) If at any time it appears to the Minister, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

**132.**—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions and contributions from other local authorities over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the “Housing Equalisation Account”) and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

(2) If the local authority satisfy the Minister that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, he may give such directions as he thinks proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

**133.**—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable, may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and so far as not so used shall be invested temporarily in statutory securities (other than securities created by the authority), and an amount equal to any income arising from such investment shall be credited to the account.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

- (a) the moneys so used shall be repaid to the account out of the general rate fund within the period, and by the methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the account the moneys so used or the balance

A.D. 1936.

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PART VI.  
—cont.

Housing  
Equalisa-  
tion  
Account.

Temporary  
application  
of moneys  
in housing  
accounts.

A.D. 1936.

—  
PART VI.  
—cont.

thereof for the time being outstanding, as the case may be, as and when required for the purposes of the account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

- (b) in the accounts of the general rate fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the account and debited to the undertaking or purpose with reference to which the moneys are so used;
- (c) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power, and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

*Modifications as to London.*

Modifica-  
tion as to  
London of  
financial  
provisions.

**134.** This Part of this Act and the Seventh and Eighth Schedules to this Act shall, in the application thereof to the administrative county of London, have effect subject to the modifications specified in the Tenth Schedule to this Act, and the provisions in that behalf contained in the said Tenth Schedule shall have effect with respect to the determination of the amount of Exchequer contributions payable to the London County Council in respect of schemes to which section seven of the Act of 1919 applies (other than schemes for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof) and to payments to metropolitan borough councils in relation to such schemes.

PART VII.

A.D. 1936.

GENERAL.

*Central Housing Advisory Committee.*

**135.**—(1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—

Central  
Housing  
Advisory  
Committee.

- (a) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section sixty of this Act to consult the Committee;
- (b) advising Housing Management Commissions constituted under section eighty-seven of this Act on any matter as respects which such Commissions are required to consult the Committee;
- (c) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;
- (d) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.

(2) The Minister may by order make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order.

(3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

*Re-housing.*

**136.** For the purposes of the provisions of this Act which relate to the obligations of a local authority with respect to re-housing, or which relate to Government contributions to the expenses of local authorities in providing accommodation available for displaced persons, the Minister, unless he is satisfied that owing to special

Standard of  
re-housing  
accommo-  
dation.

A.D. 1936. — circumstances some other standard of size or accommodation should be adopted—

PART VII.  
—cont.

(a) shall not approve the provision of any house which is not either—

(i) a two-storied house with a minimum of six hundred and twenty and a maximum of nine hundred and fifty superficial feet; or

(ii) a structurally separate and self-contained flat or a one-storied house with a minimum of five hundred and fifty and a maximum of eight hundred and eighty superficial feet;

such measurements being calculated in accordance with rules made by the Minister; and

(b) shall treat a house containing two bedrooms as providing accommodation for four persons, a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

Re-housing obligations of undertakers.

**137.** Where under the powers given by any local Act, or Provisional Order or Order having the effect of an Act (not being an order made under this Act), any land is acquired, whether compulsorily or by agreement, by any authority, company or person, or where any land is so acquired compulsorily under any general Act other than this Act, the provisions set out in the Eleventh Schedule to this Act shall apply with respect to the provision of housing accommodation for persons of the working classes.

*Provisions as to Building Byelaws, &c.*

Relaxation of building byelaws.

**138.**—(1) Where in connection with housing operations to which this section applies new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Minister, the provisions of any building byelaws shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those buildings and streets, and, notwithstanding the provisions of any other Act, any public street or road laid out and



constructed in accordance with those plans and specifications may be taken over and thereafter maintained by the local authority.

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PART VII.  
—*cont.*

(2) Where the Minister has approved plans and specifications which in certain respects are inconsistent with the provisions of any building byelaws in force in the district in which the works are to be executed, any proposals for the erection therein of houses and the laying out and construction of new streets which do not form part of housing operations to which this section applies may, notwithstanding those provisions, be carried out if the local authority are, or, on appeal the Minister is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies.

(3) As respects the administrative county of London, the Minister shall not approve for the purposes of subsection (1) of this section any plans and specifications inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connection with housing operations.

(4) In the application of subsection (2) of this section to the administrative county of London, references to the local authority shall be construed, in relation to matters within the jurisdiction of the London County Council, as references to them, and, in relation to other matters, as references to the Common Council of the City of London or the council of a metropolitan borough as the case may be.

(5) The housing operations to which this section applies are housing operations carried out under this Act by a local authority or county council, or by a housing association or housing trust.

**139.** Subject to any conditions which may be prescribed by the Minister, the provisions of any building byelaws shall not apply to any new buildings and new streets constructed and laid out by a local authority or county council in accordance with plans and specifications

Building  
byelaws not  
to apply to  
certain  
buildings.

A.D. 1936. approved by the Minister of Agriculture and Fisheries  
— under the Small Holdings and Allotments Acts, 1908  
PART VII. to 1926, or any Act amending those Acts.  
—*cont.*

Provisions  
as to bye-  
laws  
relating to  
new streets.

**140.**—(1) For the purpose of facilitating the erection of houses, the Minister may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of subsections (3), (4) and (5) of section two hundred and fifty of the Local Government Act, 1933, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

(2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.

(3) Where, as respects the district of any local authority, matters relating to the level, width and construction of new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.

(4) Before a resolution is passed under this section, notice of the proposed resolution shall be published in one or more newspapers circulating in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy thereof to the Minister.

(5) For the purpose of facilitating the erection of houses within the administrative county of London, the

London County Council may, with the consent of the Minister, suspend, alter, or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation; but save as provided in this subsection this section shall not apply to the administrative county of London.

A.D. 1936.  
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PART VII.  
—*cont.*

**141.**—(1) If the Minister is satisfied, by a local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke those byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.

Power to  
Minister  
to revoke  
unreason-  
able  
byelaws.

(2) If the local authority do not within three months after the requisition comply therewith, the Minister may himself revoke the byelaws, and make such new byelaws as he considers necessary for the removal of the impediment, and those new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister.

*Provisions as to Acquisition, &c. of Land.*

**142.**—(1) A local authority in preparing any proposals for the provision of houses, or in taking any action under this Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.

Protection  
for ameni-  
ties of  
locality, &c.

(2) Nothing in this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archaeological interest.

**143.**—(1) Where any order under this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until

Provisions  
as to  
commons  
and open  
spaces.

A.D. 1936. it is confirmed by Parliament, except where it provides  
— for giving in exchange for such land other land, not  
PART VII. being less in area, certified by the Minister after  
—cont. consultation with the Minister of Agriculture and Fisheries  
to be equally advantageous to the persons, if any, entitled  
to commonable or other rights and to the public.

(2) Before giving any such certificate, the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) An order which authorises such an exchange shall provide for vesting the land given in exchange in the persons in whom the common, open space, or allotment was vested, subject to the same rights, trusts, and incidents as attached to the common or open space or allotment, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act, the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions  
as to land  
in neigh-  
bourhood of  
royal  
palaces or  
parks.

**144.**—(1) Where any land proposed to be acquired or appropriated under this Act is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Commissioners of Works, and the Minister shall, before authorising the acquisition or appropriation of the land or the raising of any loan for the purpose, take into consideration any recommendations which the local authority may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

**145.**—(1) Where by an order made and confirmed under Part III or Part V of this Act a local authority are authorised to purchase land compulsorily, then, at any time after serving notice to treat and after giving to the owner and occupier of the land such notice as is hereinafter mentioned, they may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

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PART VII.  
—*cont.*

Power of  
entry on  
land  
acquired.

(2) Where a local authority have agreed to purchase land for the purposes of the provisions of Part III of this Act relating to clearance areas or improvement areas or of Part V of this Act, or have determined to appropriate land for any of those purposes, or have agreed to purchase land under the provisions of Part III of this Act relating to re-development areas, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

(3) The length of notice required to be given under the foregoing provisions of this section shall be—

(a) in the case of land purchased or appropriated for the purposes of Part III of this Act, not less than twenty-eight days; and

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PART VII.

—cont.

Payment of  
purchase or  
compensa-  
tion money  
by one  
local  
authority to  
another.

(b) in the case of land purchased or appropriated for the purposes of Part V of this Act, not less than fourteen days.

**146.**—(1) Any purchase money or compensation payable in pursuance of this Act by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) A decision of the Minister under this section shall be final and conclusive.

Exemption  
from s. 133  
of 8 & 9  
Vict. c. 18.

**147.** Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (which, as amended by section two of the Rating and Valuation Act, 1925, relates to promoters making good deficiencies in land tax and general rates) shall not apply in the case of any lands of which a local authority become possessed under this Act.

Power of  
local  
authorities  
to enforce  
covenants  
against  
owner for  
the time  
being of  
land.

**148.** Where—

(a) a local authority have sold or exchanged land acquired by them under this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the local authority concerning the land; or

(b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of this Act;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

Compensa-  
tion in cer-  
tain cases of  
subsidence.  
54 & 55  
Vict. c. 40.

**149.** Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891, a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any

houses belonging to them which were provided under a housing scheme towards the losses on which the Minister is liable to contribute under the Act of 1919.

A.D. 1936.  
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PART VII.  
—cont.

**150.** A local authority may accept a donation of land, money or other property for any of the purposes of this Act, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Donations for housing purposes.

51 & 52  
Vict. c. 42.

*Procedure of Local Authorities : Official Representations.*

**151.** Where, upon an application made by one of the local authorities concerned, the Minister is satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Minister may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, and confirmed by Parliament.

Joint action by local authorities.

**152.**—(1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith.

Buildings situated in districts of more than one local authority.

(2) Whilst such an agreement as aforesaid is in force, the Housing Acts shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

**153.** In the case of a county council, other than the London County Council, all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee of the council, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of that committee with respect to

References by local authority to public health and housing committee.

A.D. 1936.  
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PART VII.  
—*cont.*

the matter in question, and the council may also delegate to that committee, with or without restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

Official  
representations.

**154.**—(1) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area, and if any justice of the peace acting for the district, or any four or more local government electors of the district or, in the case of a rural district, the parish council of any parish within the district, complain to the medical officer of health in writing that any house is unfit for human habitation, or that any area should be dealt with as a clearance area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with as a clearance area, but the absence of any such complaint shall not excuse him from inspecting any house or area and making a representation thereon to the local authority.

(3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

*Recovery of Possession, Entry, &c.*

Recovery of  
possession  
of buildings  
subject to  
demolition  
or clearance  
order.

**155.**—(1) Where a demolition order or a clearance order has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the



service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

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PART VII.  
—*cont.*

1 & 2 Vict.  
c. 74.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt :

Provided that this subsection shall not have effect in the case of expenses incurred in obtaining possession for the purposes of a demolition order made under section fifty-four of this Act.

(3) Any person who, knowing that a demolition order or a clearance order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.

**156.**—(1) Nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, as amended by any subsequent enactment shall be deemed to affect the provisions of this Act relating to the obtaining possession of a house with respect to which a demolition order or a clearance order has been made, or to prevent possession being obtained—

Recovery of  
possession  
of controlled  
houses.

(a) of any house possession of which is required for the purpose of enabling a local authority to

A.D. 1936.

PART VII.

—cont.

- exercise their powers under any enactment relating to the housing of the working classes ;
- (b) of any house possession of which is required for the purpose of securing compliance with any byelaws made for the prevention of overcrowding ;
  - (c) of any house possession of which is required for the purpose of enabling re-development in accordance with a re-development plan to be proceeded with ;
  - (d) of any premises by any owner thereof in a case where an undertaking has been given under Part II of this Act that those premises shall not be used for human habitation ;
  - (e) of any part of a building or underground room by any owner thereof in a case where a closing order is in force in respect thereof.

(2) Where a local authority, for the purpose of exercising their powers under any enactment relating to the housing of the working classes, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired, or has been determined.

Power of  
entry for  
inspection,  
&c.

**157.** Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Minister, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under this Act; and
- (b) for the purpose of survey and examination, in the case of a house in respect of which a

notice requiring the execution of works has been served, or a demolition order or closing order, or a clearance order, has been made; or

A.D. 1936.

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PART VII.  
—cont.

- (c) for the purpose of survey and examination, where it appears to the authority or Minister that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the house, premises, or building;
- (d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part IV of this Act the number of persons permitted to use the house for sleeping.

**158.** If any person obstructs the medical officer of health or any officer of the local authority, or of the Minister, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for obstructing execution of Act.

**159.** If any person, after receiving notice of the intended action—

Penalty for preventing execution of repairs, &c.

- (a) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of Part II of this Act; or
- (b) being the owner or occupier of any premises, prevents the medical officer of health, or any officers, agents, servants or workmen of that officer or of the local authority, from so doing; or
- (c) being an inmate of any premises, prevents the owner thereof, or any other person upon whom any obligations with respect to the premises are imposed by byelaws under this Act, from complying with such obligations;

a court of summary jurisdiction may order him to permit to be done on the premises all things requisite

A.D. 1936. for carrying into effect those provisions or for the  
 — fulfilment of those obligations with respect to the  
 PART VII. premises, and if he fails to comply with the order, he  
 —cont. shall, in respect of each day during which the failure  
 continues, be liable on summary conviction to a fine not  
 exceeding twenty pounds.

*Powers of the Court for Housing Purposes.*

Power of  
 court to  
 determine  
 lease where  
 premises  
 demolished.

**160.**—(1) Where any premises in respect of which a demolition order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order under this section.

(2) Upon any such application as aforesaid, the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions "lessor," "lessee," and "sub-lessee" shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Power of  
 court to  
 authorise  
 owner to  
 execute  
 works on  
 default of  
 another  
 owner.

**161.**—(1) If it appears to a court of summary jurisdiction, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served, or a demolition order or a clearance order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the

court may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

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PART VII.  
—cont.

(2) Before an order is made under this section, notice of the application shall be given to the local authority.

**162.**—(1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes—

Power of court to authorise execution of works on unfit premises or for improvement.

(a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced; or

(b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.

(3) For the purposes of this section, “court” means the High Court, and the Court of Chancery of the county

A.D. 1936. palatine of Lancaster or Durham or the county court,  
— where those courts respectively have jurisdiction.

PART VII.

—*cont.*

(4) As respects the administrative county of London other than the City of London—

- (a) the local authority for the purposes of the provisions of this section relating to such premises as are mentioned in paragraph (a) of subsection (1) thereof shall be the metropolitan borough council; and
- (b) both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of the provisions of this section relating to schemes of improvement or reconstruction.

Power of court to authorise conversion of house into several tenements.

**163.** Where it is proved to the satisfaction of the county court on an application by the local authority or any person interested in a house that, owing to changes in the character of the neighbourhood in which the house is situate, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements, and that, by reason of the provisions of the lease of or any restrictive covenant affecting the house, or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.

*Notices, Orders, &c.*

Authentica-  
tion of  
orders,  
notices, &c.

**164.**—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.

(2) A notice, demand, or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy.

**165.** Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

A.D. 1936.  
—  
PART VII.  
—cont.  
Authenti-  
cation of  
certificates.

**166.** Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority for any of the purposes of this Act may be served upon the authority by delivering it to their clerk, or by leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to the authority or their clerk at their office.

Service of  
notices, &c.,  
on local  
authorities.

**167.** Subject to the provisions of the last foregoing section, any notice, order, or other document required or authorised to be served under this Act may be served either—

Service of  
notices, &c.,  
on other  
persons.

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

A.D. 1936. **168.** A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

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PART VII.  
—*cont.*  
Power of  
local  
authority to  
require  
information  
as to  
ownership  
of premises.

*Default of Local Authorities.*

Powers of  
county  
council and  
Minister in  
the event of  
default of  
rural  
district  
council.

**169.**—(1) In any case where—

- (a) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this Act in any case where those powers ought to have been exercised; or
- (b) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid;

the county council may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the district council, they may make an order declaring the district council to be in default and transferring to themselves all or any of the powers of the district council under this Act with respect to the whole or any part of the district.



(2) An order made under the foregoing subsection may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.

A.D. 1936.  
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PART VII.  
—*cont.*  
56 & 57  
Vict. c. 73.

(3) Where an order made under subsection (1) of this section transfers to a county council any of the powers of a district council under Part V of this Act, the provisions of section one hundred and five of this Act shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister shall make or undertake to make, contributions accordingly :

Provided that, notwithstanding anything in any Act, or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

(4) If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors, of any rural district, or otherwise, it appears to the Minister that a county council have failed, or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which they might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of their order in such manner as he thinks fit.

**170.** If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last foregoing section have failed to exercise those

Powers of  
Minister in  
the event of  
default by  
county  
council  
in the

A.D. 1936.  
—  
PART VII.  
—cont.  
exercise of  
transferred  
powers.

powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

- (a) make an order directing them to exercise such of the said powers, in such manner and within such time as may be specified in his order; or
- (b) make an order rendering any of the said powers exercisable by himself.

Power of  
Minister in  
the event of  
default of  
local  
authority  
other than  
rural  
district  
council.

171.—(1) In any case where—

(a) a complaint is made to the Minister—

(i) as respects the council of any non-county borough or urban district, by the council of the county in which the borough or district is situate, or by any justice of the peace acting for, or by any four or more local government electors of, the borough or district; or

(ii) as respects any local authority, not being the council of a non-county borough or of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority,

that the local authority have failed to exercise their powers under this Act in any case where these powers ought to have been exercised; or

(b) the Minister is of opinion that an investigation should be made as to whether any local authority, not being the council of a rural district, have failed as aforesaid;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing them to

exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

A.D. 1936.  
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PART VII.  
*cont.*—

(2) If a local authority with respect to whom an order has been made under the foregoing subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses :—

- (a) if the local authority concerned is the council of a non-county borough, or of an urban district, he may make an order directing the council of the county within which that borough or district is situate to perform such of the obligations of the borough or district council under the original order within such times as may be specified in his order addressed to the county council; or
- (b) in any case, he may make an order rendering exercisable by himself such of the powers of the local authority under this Act as may be specified in his order.

**172.**—(1) An order under the last foregoing section directing a county council to perform any obligations of the council of a non-county borough or of an urban district may—

Provisions  
as to orders  
directing  
county  
council  
to perform  
obligations  
of urban  
district  
councils.

- (a) for the purpose of enabling the county council to comply with the order, transfer to them any of the powers conferred by this Act on local authorities;
- (b) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

(2) Where such an order transfers to a county council any of the powers of a local authority under Part V of this Act, the provisions of section one hundred and five of this Act shall, with the necessary modifications

A.D. 1936. and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister may make or undertake to make contributions accordingly :

—  
PART VII.  
—cont.

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

Provisions  
as to  
exercise by  
Minister  
of powers  
of a local  
authority.

**173.**—(1) The following provisions of this section shall have effect in any case where under the foregoing provisions of this Part of this Act the Minister has by order rendered exercisable by himself any powers of a local authority.

(2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money.

(4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) In this section the expression “ local authority ”, in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

Power to  
vary and  
revoke cer-  
tain orders  
relating to  
defaults.

**174.** In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise,

any powers or duties of a local authority, or rendering any powers or duties of a local authority exercisable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

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PART VII.

—cont.

**175.**—(1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—

- (a) to enforce any byelaws made under section six of this Act and for the time being in force; or
- (b) to exercise their powers under section twelve of this Act in a case where those powers ought to have been exercised; or
- (c) to make an inspection of their borough under section fifty-seven of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or
- (d) to enforce the provisions of Part IV of this Act;

Power of London County Council in the event of default of metropolitan borough council.

the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.

(2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London

A.D. 1936. County Council to perform such of the obligations of the  
 — metropolitan borough council under the original order  
 PART VII. within such time as may be specified in his order addressed  
 —cont. to the London County Council.

(3) An order under the last foregoing subsection may provide that section two hundred and ninety-two of the Public Health (London) Act, 1936, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.

*General Powers of Minister.*

Power of  
 Minister to  
 prescribe  
 forms and  
 to dispense  
 with adver-  
 tisements  
 and notices.

**176.**—(1) The Minister may by regulations prescribe anything which by this Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act.

(2) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally, or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

Regulations  
 to be laid  
 before  
 Parliament.

**177.** All regulations made by the Minister under the last foregoing section shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it,

resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

A.D. 1936.  
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PART VII.  
—cont.

**178.**—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit.

Local  
inquiries  
and orders.

(2) Sections two hundred and ninety-three to two hundred and ninety-five and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Minister in pursuance of this Act.

**179.** If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Minister may determine.

Power of  
Minister to  
obtain a  
report on  
any  
crowded  
area.

**180.** The Minister may make arrangements with any other Government Department for the exercise and performance by that Department of any of his powers and duties under this Act which in his opinion could be more conveniently so exercised and performed, and in that case that Department and the officers thereof shall have the same powers and duties as are by this Act conferred on the Minister and his officers.

Arrange-  
ments  
between the  
Minister  
and other  
Depart-  
ments.

*Miscellaneous provisions as to London.*

**181.**—(1) The London County Council and the Common Council of the City of London or the council of a metropolitan borough may at any time enter into an agreement with respect to—

Relations  
between  
local  
authorities  
in London.

(a) any action to be taken under the provisions of Part III of this Act relating to clearance areas,

A.D. 1936.

PART VII.

—*cont.*

redevelopment areas or improvement areas, or under Part IV of this Act, or under the provisions of section one hundred and sixty-two of this Act relating to schemes of improvement or reconstruction, or in connection with the provision of new houses to abate overcrowding;

- (b) the exercise by one of the parties to the agreement of any powers conferred under the provisions of Part III of this Act relating to redevelopment areas or under Part IV of this Act on the other party thereto;
- (c) the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action or in any such exercise of powers as aforesaid; or
- (d) the carrying out of any housing operations under Part V of this Act and the apportionment of the expenses incurred in carrying out such operations.

(2) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under the provisions of Part III of this Act relating to clearance areas or to improvement areas, or under the provisions of section one hundred and sixty-two of this Act relating to schemes of improvement or reconstruction.

Agreements  
between  
London  
County  
Council and  
neighbour-  
ing autho-  
rities as to  
provision of  
houses.

**182.** The London County Council and the Common Council of the City of London, or any other council being the local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of the other council, or for the provision by the other council of houses within their area to meet the needs of the London County Council, and for the payment, in either case, of such contributions as may be agreed by the council needing the houses to the council providing them.



In this section the expression "county of London" means the administrative county of London exclusive of the City of London.

A.D. 1936.  
—  
PART VII.  
—cont.

**183.**—(1) Anything which under this Act is authorised or required to be done by or to a medical officer of health of a local authority in the administrative county of London may be done by or to any person authorised to act temporarily as such medical officer of health.

Provisions as to medical officers of health in London.

(2) The London County Council may, with the consent of the Minister, at any time appoint one or more duly qualified medical practitioner or practitioners with such remuneration as they think fit for the purpose of carrying into effect any Part of this Act.

(3) Any medical officer of health appointed by the London County Council and any officer appointed by them under this section shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

**184.** The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee :

Committee of the Common Council.

Provided that a committee so appointed shall consist as to a majority of its members of members of the Common Council, and shall not be authorised to borrow any money, or to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

**185.**—(1) A person shall not, by reason only of the fact that he occupies a house at a rental from a local authority for the purposes of Part V of this Act in the administrative county of London, be disqualified from being elected or being a member of the authority or of any committee thereof, but no person shall vote as a member of such a local authority, or any committee thereof, upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any

Prohibition on persons interested voting as members of local authority in London.

A.D. 1936. house, building or land in which he is beneficially interested.

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PART VII.  
—*cont.*

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

Local inquiries in London.

**186.**—(1) The costs incurred in relation to any local inquiry which the Minister may cause to be held in pursuance of this Act in relation to any part of the administrative county of London (including the remuneration of any person employed by the Minister for the purposes of the inquiry) shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportion as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any local authority or person shall be a debt due to the Crown from that local authority or person.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any such local inquiry as aforesaid.

#### PART VIII.

##### SUPPLEMENTAL.

Powers of Act to be cumulative.

**187.** All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed :

Provided that a local authority shall not, by reason of any local Act relating to a place within their jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

- 188.**—(1) In this Act, unless the context otherwise requires—
- “ The Act of 1919 ” means the Housing, Town Planning, &c. Act, 1919 :
- “ The Act of 1923 ” means the Housing, &c. Act, 1923 :
- “ The Act of 1924 ” means the Housing (Financial Provisions) Act, 1924 :
- “ The Act of 1931 ” means the Housing (Rural Authorities) Act, 1931 :
- “ The Housing Acts ” means the Acts referred to in the foregoing definitions, the Housing Act, 1925, the Housing Act, 1930, the Housing Act, 1935, and this Act :
- “ Agricultural population ” has the meaning assigned to it by subsection (2) of section one hundred and fifteen of this Act :
- “ Apparatus ” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps :
- “ Building byelaws ” includes byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings, including the drainage thereof, and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets, and any byelaws made with respect to such matters under any such local Act :
- “ Contributory place ” has the same meaning as in the Public Health Act, 1875 :
- “ Exchequer contribution ” means a contribution which the Minister is required or authorised to make to a local authority out of moneys

A.D. 1936.

PART VIII.

—cont.

Interpreta-  
tion.

9 & 10

Geo. 5. c. 35.

13 & 14

Geo. 5. c. 24.

14 & 15

Geo. 5. c. 35.

21 & 22

Geo. 5. c. 39.

A.D. 1936.  
—  
PART VIII.  
—*cont.*

provided by Parliament under any of the following enactments, that is to say:—

Section seven of the Act of 1919.

Paragraph (b) of subsection (1) of section one of the Act of 1923 (as originally enacted).

Subsection (3) of section one of the Act of 1923.

Paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).

Subsection (2A) of section four of the Housing (Rural Workers) Act, 1926.

Section one of the Act of 1931.

Sections one hundred and five to one hundred and eight of this Act.

“ Flat ” means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally, and “ block of flats ” means a building which contains two or more flats and which consists of three or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling :

“ House ” includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith :

“ Housing association ” means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, body of trustees or company who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital :

“Housing trust” means a corporation or body of persons which by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto :

A.D. 1936.  
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PART VIII.  
—*cont.*

“Land” includes any right over land :

“Loan charges” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund :

“Mental hospitals board” means the Lancashire Mental Hospitals Board, the West Riding of Yorkshire Mental Hospitals Board, the Staffordshire Mental Hospitals Board, and any other body constituted for the administration of the enactments relating to mental illness on behalf of any combination of county councils or county borough councils :

“The Minister” means the Minister of Health :

“Official representation” means in the case of any local authority a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a rural district or of an urban district not containing according to the last published census a population of more than ten thousand, a representation made by the medical officer of health of the county to the county council and forwarded by them to the council of the district, and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the county of London to the London County Council and forwarded by them to the borough council :

“Owner,” in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also

A.D. 1936.

PART VIII.  
—*cont.*15 & 16  
Geo. 5. c. 16.  
22 & 23  
Geo. 5. c. 48.

a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years :

“ Planning scheme ” means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts :

“ Public Health Acts ” means as respects London, the Public Health (London) Act, 1936, and elsewhere the Public Health Act, 1875, and the Acts amending those Acts :

“ Sanitary defects ” includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences, and inadequate paving or drainage of courts, yards or passages :

“ Statutory security ” has the meaning assigned to it by Part IX of the Local Government Act, 1933 :

“ Statutory undertakers ” means any persons authorised by any enactment or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking :

“ Street ” includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not.

(2) In this Act, references to a local authority where not limited by the context to references to the local authority for the purposes of this Act or of any enactment in this Act or of any other enactment relating to housing, unless the context otherwise requires, include references to the Common Council of the City of London, the London County Council, a metropolitan borough council and the council of a borough, urban district or rural district.

(3) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expression “ house ” includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling.

(4) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district or of any enactment in any local Act in operation in the district dealing with the construction and drainage of new buildings and the laying out and construction of new streets or of the general standard of housing accommodation for working classes in the district.

A.D. 1936.

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PART VIII.  
—cont.

**189.**—(1) Nothing in this Act shall affect any order, byelaw, regulation or plan made, charge effected, undertaking, notice, approval, certificate, direction or determination given, or other thing done, under any enactment repealed by this Act or by the Housing Act, 1925, but any such order, byelaw, regulation, plan, charge, undertaking, notice, approval, certificate, direction, determination or thing shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given or done under this Act, have effect as if made, effected, given or done under the corresponding provision of this Act. Savings.

(2) In this Act the expression “under this Act,” whether in relation to any land, houses or other property acquired, to any contribution, to any housing or other operations, or in relation to any other matter or thing made, given, effected or done, or right acquired, or obligation incurred, and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall be construed as including a reference to any Act repealed by this Act or by the Housing Act, 1925, or to the corresponding provision of any Act so repealed.

(3) Byelaws made by a local authority in pursuance of an obligation imposed upon them by paragraph (iii) of subsection (1) of section eight of the Housing Act, 1930, and confirmed before the second day of August, nineteen hundred and thirty-five, shall, to the extent to which they would have had effect if made and confirmed under section six of this Act after the commencement of this Act, have effect, as respects land in the improvement area affected, as if they had been so made and confirmed and not otherwise.

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PART VIII.  
—*cont.*

(4) Byelaws made under the Public Health Act, 1875, or under the Public Health (London) Act, 1891, before the commencement of the Housing Act, 1935, by virtue of the power conferred by section six of the Housing Act, 1925, shall, if in force at the commencement of this Act, continue in force and shall have effect as if made under section six of this Act.

(5) Any document referring to any enactment repealed by this Act or by the Housing Act, 1925, shall be construed as referring to the corresponding provision of this Act.

(6) Any person holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Housing Act, 1925, shall continue to hold his office or to act or serve as if he had been appointed under this Act.

52 & 53  
Vict. c. 63.

(7) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889.

Repeals.

**190.** The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title,  
commence-  
ment  
and extent.

**191.**—(1) This Act may be cited as the Housing Act, 1936.

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

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



SCHEDULES.

A.D. 1936.

FIRST SCHEDULE.

Sections 16,  
29, 32, 36,  
38, 74.

COMPULSORY PURCHASE ORDERS.

*General.*

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);
- (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
- (c) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

8 & 9 Vict.  
c. 20.

13 & 14  
Geo. 5. c. 20.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

- (a) the compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;
- (b) the arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;
- (c) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded

A.D. 1936.

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1st SCH.  
—*cont.*

for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice ;

- (d) all notices required to be served by the local authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in section one hundred and sixty-seven of this Act in relation to notices required to be served by or under this Act.

3. Before submitting the order to the Minister, the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the manner in which objections thereto can be made.

4. Except in the case of an order made under section thirty-six of this Act, if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions hereinafter in this Schedule contained, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification :

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed.

5. In the case of an order made under section thirty-six of this Act, if any objection is duly made in writing by any of the persons upon whom notices are required to be served, stating as the ground thereof either—

A.D. 1936.  
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1ST SCH.  
—cont.

- (a) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated; or
- (b) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or
- (c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Minister can be dealt with by the arbitrator by whom the compensation is to be assessed;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then, subject to the provisions hereinafter in this Schedule contained, confirm the order either with or without modification, and in any other case the Minister may, subject as aforesaid, confirm the order with or without modification and either after, or without, causing a public local inquiry to be held.

6. An order as confirmed by the Minister shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

7. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

*Provisions Applicable to Orders under Section 16, 29, 32 or 38.*

8. In the case of an order made under section sixteen, twenty-nine, thirty-two or thirty-eight of this Act—

- (a) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order subject to the following modification in addition to the modifications mentioned in paragraph 2 of this Schedule, that is to say, that notwithstanding anything in section ninety-two

A.D. 1936.

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1st SCH.  
—cont.

of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if he so determines, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory;

- (b) before submitting the order to the Minister the local authority shall, in addition to serving such notice as is mentioned in paragraph 3 (b) of this Schedule on the persons therein mentioned, serve the like notice on every mortgagee of any land to which the order relates, so far as it is reasonably practicable to ascertain such persons.

*Provisions applicable to Orders under Section 29.*

9. An order made under section twenty-nine of this Act shall show in the prescribed manner—

- (a) what parts, if any, of the land to be purchased compulsorily are outside the clearance area; and
- (b) what buildings, if any, to be purchased compulsorily are included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.

10. An order made under section twenty-nine of this Act shall not, as confirmed by the Minister—

- (a) authorise the local authority to purchase as being land comprised in a clearance area any land shown in the order as submitted as being outside that area; or
- (b) authorise the local authority to purchase compulsorily any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.

11. If the Minister is of opinion that any land included by the local authority in a clearance area ought not to have been so included, he shall in confirming an order made under section twenty-nine of this Act so modify it as to exclude that land for all purposes from the clearance area, but if in any such case

he is of opinion that the land may properly be purchased by the authority under section twenty-seven of this Act, he shall further modify the order so as to authorise the local authority to purchase that land under that section and not as being land comprised in a clearance area.

A.D. 1936.

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1ST SCH.  
—cont.

12. The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any building from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

*Provisions applicable to Orders under Section 36.*

13. Before submitting to the Minister an order made under section thirty-six of this Act, the local authority shall, in addition to serving such notice as is mentioned in paragraph 3 (b) of this Schedule on the persons therein mentioned, serve the like notice on every mortgagee of any land comprising or consisting of a house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, so far as it is reasonably practicable to ascertain such persons.

14. An order made under section thirty-six of this Act shall not, as confirmed by the Minister, authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

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SECOND SCHEDULE.

Sections 16,  
26, 29, 32,  
35, 36, 38,  
74.

VALIDITY AND DATE OF OPERATION OF CERTAIN  
ORDERS.

1. So soon as may be after a compulsory purchase order or a clearance order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a

A.D. 1936. like notice on every person who, having given notice to the  
— Minister of his objection to the order, appeared at the public  
2ND SCH. local inquiry in support of his objection.  
—cont.

2. If any person aggrieved by such an order as aforesaid, or by the Minister's approval of a re-development plan or of a new plan, desires to question the validity thereof on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation of the order, or of the approval of the plan, make an application for the purpose to the High Court, and where any such application is duly made the court—

- (i) may by interim order suspend the operation of the order, or the approval of the plan, either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
- (ii) if satisfied upon the hearing of the application that the order, or the approval of the plan, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, the order, or the approval of the plan, shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever, either before or after the order is confirmed or the approval is given, as the case may be, and shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order, or of the approval of the plan, is published in accordance with the provisions of this Act.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Schedule.

5. So soon as may be after a compulsory purchase order made under section sixteen, twenty-nine, thirty-two, thirty-eight or seventy-four of this Act or a clearance order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

THIRD SCHEDULE.

A.D. 1936.

CLEARANCE ORDERS.

Section 26.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. There shall be excluded from the order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area :

Provided that the foregoing provisions of this paragraph shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of dis-repair or sanitary defects unfit for human habitation.

3. Before submitting the order to the Minister the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm

A.D. 1936. the order with or without modification; but in any other case  
 — he shall, before confirming the order, cause a public local inquiry  
 3RD SCH. to be held and shall consider any objection not withdrawn and  
 —cont. the report of the person who held the inquiry, and may then  
 confirm the order, either with or without modification :

Provided that the order as confirmed by the Minister shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

6. The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

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#### FOURTH SCHEDULE.

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Sections 40,  
55, 74.

#### RULES AS TO THE ASSESSMENT OF COMPENSATION WHERE LAND PURCHASED COMPULSORILY UNDER PART III OTHERWISE THAN AT SITE VALUE OR UNDER PART V.

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being overcrowded within the meaning of Part V of this Act, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes, and were not so overcrowded.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation, or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence, but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbitrator and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective.



4. The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner—

- (a) where the premises for which compensation is to be assessed are purchased under section thirty-six of this Act, by the proposed re-development of the area in accordance with the re-development plan; or
- (b) in any other case by the demolition by the local authority of any buildings.

5. In assessing compensation for premises purchased under section thirty-six of this Act, the arbitrator may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

6. The arbitrator shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Schedule and to the considerations mentioned in paragraph 4 thereof, and the amount, if any, by which compensation has been reduced by reference to each of those matters.

A.D. 1936.

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4TH SCH.  
—cont.

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## FIFTH SCHEDULE.

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Sections 58  
62, 68.

### NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING.

For the purposes of Part IV of this Act, the expression “the permitted number of persons” means, in relation to any dwelling-house, either—

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists, or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less :

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

A.D. 1936.

5TH SCH  
—cont.

## ANNEX.

Table I.

Where a house consists of—

(a) One room - - -	2.
(b) Two rooms - - -	3.
(c) Three rooms - - -	5.
(d) Four rooms - - -	7½.
(e) Five rooms or more -	10, with an additional 2 in respect of each room in excess of five.

Table II.

Where the floor area of a room is—

(a) 110 sq. ft. or more - - -	2.
(b) 90 sq. ft. or more, but less than 110 sq. ft. - - -	1½.
(c) 70 sq. ft. or more, but less than 90 sq. ft. - - -	1.
(d) 50 sq. ft. or more, but less than 70 sq. ft. - - -	½.
(e) Under 50 sq. ft. - - -	Nil.

Section 106.

## SIXTH SCHEDULE.

COMPUTATION OF GOVERNMENT CONTRIBUTIONS TOWARDS  
PROVISION OF FLATS ON SITES OF HIGH VALUE  
AND OF VALUE OF SITES.

1. In relation to an Exchequer contribution under section one hundred and six of this Act "the appropriate sum" means in the case of a site of such cost as is specified in the first column of the following Table, the corresponding sum specified in the second column of the said Table:—

TABLE.

Where the cost of the site as developed per acre—	£	s.	d.
exceeds £1,500 but does not exceed £4,000 - - -	6	0	0
exceeds £4,000 but does not exceed £5,000 - - -	7	0	0
exceeds £5,000 but does not exceed £6,000 - - -	8	0	0
exceeds £6,000 - - -	8	0	0

increased by £1 0 0 for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.

2. For the purposes of section one hundred and six of this Act and of this Schedule, the cost of a site as developed means the cost, or, in the case of a site not purchased by the local authority for the purpose of the provision of the flats, the value as certified by the Minister, of the site, including any expenses which in the opinion of the Minister are requisite for making the site available for that purpose and which are incurred by the authority in the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land, and any expenses incurred in respect of any other matters which the Minister with the consent of the Treasury may approve as properly forming part of the cost of making the site available for that purpose.

The amount of the expenses to be included under this paragraph shall be such as may be estimated by the authority and approved by the Minister.

3. In determining the number of acres in a site, any land which is acquired for the purpose of the provision of the flats and which is used as new street space on which the block of flats will abut shall be deemed to form part of the site.

A.D. 1936.

—  
6TH SCH.  
—cont.

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### SEVENTH SCHEDULE.

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Sections 111,  
134.

#### DETERMINATION OF THE AMOUNT OF CERTAIN GOVERNMENT CONTRIBUTIONS PAYABLE UNDER SECTION 7 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

##### *Contributions under S. 7 of the Act of 1919.*

1. For the purposes of this Schedule and of the Eighth and Tenth Schedules to this Act—

- (a) a scheme under the Act of 1919 means a scheme to which section seven of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof;
- (b) all schemes and parts of schemes under the Act of 1919 which for the time being are being administered by a local authority shall be deemed to be a single scheme carried out by the authority.

2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under

A.D. 1936. section seven of the Act of 1919 towards the loss resulting from  
— the carrying out of a scheme under the Act of 1919 by a local  
7TH SCH. authority (not being the London County Council or a metro-  
—cont. politan borough council) shall be the amount, if any, by which  
the estimated loss for that year in respect of the scheme,  
ascertained as provided by paragraphs 3 to 7 of this Schedule,  
exceeds an amount equal to the produce (ascertained as provided  
by paragraph 8 of this Schedule) of a rate of one penny in the  
pound for that year levied in the area chargeable with the  
expenses of the scheme.

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate weekly rents of the houses provided or acquired by the authority under the scheme which, as at the thirty-first day of March, nineteen hundred and thirty-five, are accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, multiplied by fifty-two and one-sixth) and any other items of income which, in the opinion of the Minister, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner :—

(1) There shall be ascertained—

(a) the aggregate amount of the charges during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances ;

(b) the aggregate amount of the gross estimated rent income during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, as accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme ;

(c) the aggregate of, first, the amount which bears the same proportion to the estimated annual

rent income as the amount ascertained under head (a) of this sub-paragraph bears to the amount ascertained under head (b) thereof and, secondly, an amount equal to two per cent. of the estimated annual rent income;

(d) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(e) any other items of expenditure which, in the opinion of the Minister, may properly be taken into account :

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (d) of this sub-paragraph shall, unless the Minister otherwise directs, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part V of this Act, whichever is the less.

- (2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing sub-paragraph.

6. If and to the extent to which an agreement made before the first day of April, nineteen hundred and thirty-five, by a local authority with the Minister under regulations made in pursuance of subsection (2) of section forty-five of the Housing Act, 1930, provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Schedule.

7. Where, after the thirty-first day of March, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Minister may make such adjustments of the amounts of the estimated

A.D. 1936.

—  
7TH SCH.  
—cont.

60 & 61 Vict.  
c. 51.

A.D. 1936. losses in respect of periods subsequent to the date of change as he may deem equitable.

—  
7TH SCH.  
—cont.

8. In relation to a scheme under the Act of 1919, the produce of a rate of one penny in the pound for any financial year levied in any area shall be an amount ascertained in accordance with the following provisions :—

- (1) the produce of a rate for any period shall be deemed to be the amount actually realised during that period by the collection of rates in that area.
- (2) the produce of a rate of one penny in the pound shall be deemed to be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the rate.
- (3) where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amount shall be separately ascertained in respect of each of those parts in accordance with the foregoing sub-paragraphs, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

*Contributions under S. 1 (3) of the Act of 1923.*

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Schedule, subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

Sections 86,  
114, 117, 129,  
130, 134

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EIGHTH SCHEDULE.

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LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of an amount equal to the produce (ascertained as

provided by paragraph 8 of the Seventh Schedule to this Act) of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution :

A.D. 1936.

—  
8TH SCH.  
—cont.

Provided that, in respect of any year during which no contributions are payable by the Minister in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of the Seventh Schedule to this Act) for that year in respect of the scheme.

2. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 as originally enacted to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or an amount equal to the average annual amount contributed out of the general rate fund in respect of the house during the five financial years ending on the thirty-first day of March, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924) to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of September, nineteen hundred

A.D. 1936. and twenty-seven, three pounds fifteen shillings a year payable  
— for a period of forty years :

8TH SCH.  
—cont.

Provided that—

- (a) where immediately before the first day of April, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as estimated for the purpose of compliance with the requirements of paragraph (e) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or three pounds fifteen shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum ;
- (b) in the case of a house in respect of which the county council make a contribution, this paragraph shall have effect as if there were substituted, for references therein to a sum of four pounds ten shillings or of three pounds fifteen shillings, references to the difference between that sum and the amount of the county council's contribution.

5. In respect of a house in respect of which the Minister has undertaken under section one hundred and five of this Act to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to three pounds fifteen shillings a year payable for a period of forty years, or, if the county council make a contribution, the difference between that contribution and three pounds fifteen shillings.

6. In respect of a house in respect of which the Minister has undertaken under section one hundred and six, one hundred and seven or one hundred and eight of this Act to pay an Exchequer contribution payable to the local authority, a contribution provided by equal annual instalments during a period of sixty years from the date of the completion of the house, of such amount as to be equivalent when so provided to the appropriate one of the following sums, namely :—

- (a) in the case of a flat in respect of which an Exchequer contribution is to be made under section one hundred and six of this Act, a sum equal to one-half of the amount



of the Exchequer contribution provided annually for a period of forty years; A.D. 1936.

- (b) in the case of a house or flat in respect of which an Exchequer contribution is to be made under section one hundred and seven of this Act, a sum equal to one-half of the amount of the Exchequer contribution provided annually for the period for which the Exchequer contribution is payable;
- (c) in the case of a house provided for members of the agricultural population in respect of which an Exchequer contribution is to be made under section one hundred and eight of this Act, a sum of one pound provided annually for a period of forty years :

—  
8TH SCH.  
—cont.

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Minister may on their application direct that this paragraph shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Exchequer contribution is payable, as he may think proper.

7. The contributions payable by the local authority under section thirty-nine of the Housing Act, 1935.

8. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

9. Where—

- (a) a local authority satisfy the Minister that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the first day of April, nineteen hundred and thirty-five, be of an amount less than the amount specified in that paragraph; or
- (b) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4 or 5 of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with

A.D. 1936.

8TH SCH.  
—cont.

the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution ;

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Minister may determine.

Section 122.

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## NINTH SCHEDULE.

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### LOCAL HOUSING BONDS.

#### 1. Local bonds shall—

- (a) be secured upon all the rates, property and revenues of the local authority ;
- (b) bear interest at such rate as the local authority may determine at the time of the issue of the bonds ;
- (c) be issued in denominations of five, ten, twenty, fifty, and one hundred pounds and multiples of hundred pounds ;
- (d) be issued for periods of not less than five years.

54 & 55 Vict. c. 39.  
62 & 63 Vict. c. 9.

2. Local bonds shall be exempt from stamp duty under the Stamp Act, 1891, and no duty shall be chargeable under section eight of the Finance Act, 1899, as amended by any subsequent enactment in respect of the issue of any such bonds.

3. The provisions of section one hundred and fifteen of the Stamp Act, 1891 (which relates to composition for stamp duty) shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that authority of a nominal amount not exceeding in the aggregate one hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D, subject, however, to any provision of the enactments relating to income tax with respect to exemption or abatement.

5. Local bonds issued by a local authority shall be accepted by that authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of operations under this Act.

A.D. 1936.

—  
9TH SCH.  
—cont.

6. The Minister may, with the approval of the Treasury, make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor, and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act, 1875, and the Acts amending that Act, and of any Act relating to securities issued by the London County Council or by any other local or public body.

38 & 39 Vict.  
c. 83.

7. For the purposes of this Schedule the expression "local authority" includes a county council.

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## TENTH SCHEDULE.

Section 134.

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### MODIFICATION AS TO LONDON OF FINANCIAL PROVISIONS.

1.—(1) The London County Council shall pay to the council of a metropolitan borough for each financial year an amount equal to any loss which may be incurred for that year by the metropolitan borough council in carrying out a scheme under the Act of 1919;

(2) For the purposes of the foregoing sub-paragraph the loss for any year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year, and that expenditure and income shall be ascertained in accordance with the provisions of paragraphs 4 to 7 of the Seventh Schedule to this Act;

(3) Notwithstanding anything in any enactment, no Exchequer contribution shall be payable to a metropolitan borough council under section seven of the Act of 1919, but the amount of the Exchequer contribution payable to the London County Council for any financial year in respect of schemes under the Act of 1919 shall be the amount, if any, by which the aggregate of, first, the estimated loss for that year in respect of the carrying out of any such scheme by the London County Council (ascertained as provided by paragraphs 3 to 7 of the Seventh Schedule to this Act) and, secondly, the amount of the sums payable by the London County Council to metropolitan borough councils

A.D. 1936. under this paragraph for that year, exceeds an amount equal  
 — to the produce of a rate of one penny in the pound for that year  
 10TH SCH. levied in the administrative county of London other than the  
 —cont. city of London (ascertained as provided by paragraph 8 of the  
 Seventh Schedule to this Act).

2. For the purposes of the application to a metropolitan borough council of the provisions of Part VI relating to the contributions to be made by a local authority out of the general rate fund, the following paragraph shall be substituted for paragraph 1 of the Eighth Schedule to this Act :—

“ 1. In respect of a scheme under the Act of 1919, carried out by the local authority, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.”

3. For the purposes of the application to the Common Council of the City of London, to the London County Council and to a metropolitan borough council, of the provisions of Part VI of this Act relating to the contributions to be made by a local authority out of the general rate fund, the provisions of paragraphs 4 and 5 of the Eighth Schedule to this Act relating to the determination of the amount of such contributions in a case where the county council make a contribution shall not have effect, but where a contribution is made to the Common Council of the City of London, to the London County Council or to a metropolitan borough council for any year under any of the enactments referred to in sub-paragraphs (b) and (c) of the next succeeding paragraph in relation to any scheme or house referred to in the Eighth Schedule to this Act the amount of the contribution to be made by that council for that year in respect of that scheme or house shall be reduced by the amount of the contribution so made.

4. The Common Council of the City of London and a metropolitan borough council who are required to keep a Housing Revenue Account shall carry to the credit of the account, in addition to the amounts in respect of incomings for any year which they are required by section one hundred and twenty-nine of this Act to carry to the credit of that account—

(a) an amount equal to the aggregate amount of any payments made to them for that year by the London County Council in respect of loss incurred by them in carrying out a scheme under the Act of 1919;

- (b) an amount equal to the aggregate amount of any supplementary contributions made to them for that year by the London County Council under subsection (6) of section one of the Act of 1923, or under subsection (5) of section two of the Act of 1924;
- (c) an amount equal to the aggregate amount of any contributions, towards expenses incurred by them in relation to matters in respect of which the Housing Revenue Account is kept, made to them for that year by the London County Council or otherwise under proviso (a) to section thirty-three, section seventy, or section one hundred and eighty-one of this Act.

A.D. 1936.  
—  
10TH SCH.  
—cont.

5. The London County Council shall debit to their Housing Revenue Account, in addition to the amounts in respect of outgoing for any year which they are required by section one hundred and twenty-nine of this Act to debit to that account, an amount equal to the aggregate amount of any payments made by them for that year in respect of losses incurred by metropolitan borough councils in carrying out schemes under the Act of 1919.

6. For references in this Act to the general rate fund of a local authority there shall be substituted, in relation to the London County Council, references to the county fund.

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### ELEVENTH SCHEDULE.

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Sections 28,  
137.

#### REHOUSING BY UNDERTAKERS IN CASE OF DISPLACEMENT OF PERSONS OF THE WORKING CLASSES.

1. If in the administrative county of London or in any borough or urban district, or in any parish in a rural district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Minister has either approved of a housing scheme under this schedule or has decided that such a scheme is not necessary.

For the purposes of this schedule, a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any houses are occupied, any

A.D. 1936. occupation on or after the fifteenth day of December next  
— before the passing of the enabling Act, or, in the case of land  
11TH SCH acquired compulsorily under a general Act without the authority  
—cont. of an order, next before the date of the application to the Minister  
under this schedule, for his approval of or decision with respect  
to a housing scheme, shall be taken into consideration.

2. The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Minister, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Minister shall take into consideration not only the persons of the working class who are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Minister, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

3. Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part V of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

4. The housing scheme shall provide that any lands acquired under the scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Minister may dispense with such appropriation; and every conveyance, demise, or lease of any such land shall be endorsed with notice of this provision, and the Minister may require the insertion in the scheme of any provisions requiring a certain standard of house to be erected under the scheme, or any conditions to be complied with as to the mode in which the houses are to be erected.

5. If the Minister does not hold a local inquiry with reference to a housing scheme, he shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation by any such authority made within the time fixed by him.

6. The Minister may, as a condition of his approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

A.D. 1936.

—  
11TH SCH.  
—cont.

7. Before approving any scheme the Minister may, if he thinks fit, require the undertakers to give such security as the Minister considers proper for carrying the scheme into effect.

8. If the undertakers enter on any working-men's dwellings in contravention of the provisions of this schedule, or of any conditions of approval of the housing scheme made by the Minister, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling.

Any such penalty shall be recoverable by the Minister by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

9. If the undertakers fail to carry out any provision of the housing scheme, the Minister may make such order as he may think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

10. The Minister may, on the application of the undertakers, modify any housing scheme which has been approved by him under this schedule, and any modifications so made shall take effect as part of the scheme.

11. For the purposes of this schedule—

- (a) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act;
- (b) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired;
- (c) The expression "local authority" means, as respects England and Wales other than the administrative county of London, the council of any county, borough, urban district or rural district, as respects the City of London, the Common Council, and, as respects the administrative county of London other than the City of London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated;
- (d) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling;

A.D. 1936.

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11TH SCH.  
—cont.

(e) The expression "working class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of three pounds a week, and the families of any of such persons who may be residing with them.

Section 190

## TWELFTH SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 44.	The Housing, Town Planning &c. Act, 1909.	In section seventy-one the words "and the housing of the working classes" in both places where those words occur.
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning &c. Act, 1919.	Subsection (4) of section twenty-four and section thirty-six.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section eight.
15 Geo. 5. c. 14	The Housing Act, 1925 -	The whole Act.
16 & 17 Geo. 5. c. xcvi.	The London County Council (General Powers) Act, 1926.	Section thirty-eight.
17 & 18 Geo. 5. c. xxii.	The London County Council (General Powers) Act, 1927.	Section sixty.
18 & 19 Geo. 5. c. lxxvii.	The London County Council (General Powers) Act, 1928.	Section fifty-four.
19 & 20 Geo. 5. c. lxxxvii.	The London County Council (General Powers) Act, 1929.	Section fifty-six.
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930 -	The whole Act, except subsection (5) of section twenty-six and sections twenty-seven, forty-three, forty-four, forty-six, sixty-four and sixty-five.



[26 GEO. 5. &  
1 EDW. 8.]

*Housing Act, 1936.*

[CH. 51.]

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. lxx.	The London County Council (General Powers) Act, 1932.	Section thirteen.
23 & 24 Geo. 5. c. 15.	The Housing (Financial Provisions) Act, 1933.	Section two.
25 & 26 Geo. 5. c. 40.	The Housing Act, 1935 -	The whole Act, except subsection (6) of section twenty-seven, sections thirty-seven to thirty-nine, subsection (2) of section sixty-two, and sections ninety-two and one hundred.

A.D. 1936.  
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12TH SCH.  
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