



Housing Act 1957

1957 CHAPTER 56

PART VII

GENERAL

Provisions as to acquisition, &c. of Land

149 Protection of amenities of locality, &c

- (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.
- (2) No land which is the site of an ancient monument or other object of archaeological interest shall be acquired for the purposes of this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order.
- (3) Where any land proposed to be acquired under this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order, or any land proposed to be 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 Minister of Works, and the Minister of Housing and Local Government 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 Minister of Works with reference to the proposal.

For the purposes of this sub-section, " prescribed " means prescribed by regulations in a statutory instrument made by the Minister of Housing and Local Government after consultation with the Minister of Works.

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150 Provisions as to commons and open spaces

- (1) Where any order under this Act (not being an order for the compulsory purchase of land under Part II or Part V of 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 subject to special Parliamentary procedure except where it provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture, Fisheries and Food 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 section—
 - " common " includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green ;
 - " open space " means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground;
 - " allotment " means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

151 Power of local authorities to enforce covenants against owner for the time being of land

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.

152 Compensation in certain cases of subsidence

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

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towards the losses on which the Minister is liable to contribute under the Housing, Town Planning, &c. Act, 1919.

153 Donations for housing purposes

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.