



Housing and Town Development (Scotland) Act 1957

1957 CHAPTER 38 5 and 6 Eliz 2

PART II

PROVISION OF HOUSING ACCOMMODATION AND ASSOCIATED
TOWN DEVELOPMENT IN RELIEF OF OVER-POPULATED DISTRICTS

General

- 16 Provision for failure to carry out duties under overspill agreements or town development schemes.**
- (1) If a complaint is made to the Secretary of State that any local ^{F1}... authority have failed to do properly anything which they are required to do by any overspill agreement or town development scheme, or if the Secretary of State is of opinion that an investigation should be made as to whether any such authority have so failed, he may cause a local inquiry to be held into the matter.
 - (2) If after such a local inquiry the Secretary of State is satisfied that there has been such a failure on the part of the authority in question, he may, after giving the authority an opportunity of making representations, make an order declaring the authority to be in default and requiring them for the purpose of remedying the default to take within such period as may be specified in the order such action as may be so specified.
 - (3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the period specified therein for compliance with that requirement the Secretary of State may—
 - (a) himself take, or cause to be taken, the action to which the requirement relates, or
 - (b) make an application to the Court of Session under section ninety-one of the ^{M1}Court of Session Act, 1868, which section shall have effect as if the said action were a statutory duty of the authority.

Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Section 16. (See end of Document for details)

- (4) Section one hundred and seventy of the principal Act (which relates to the exercise by the Secretary of State of powers of a local authority) shall apply—
- (a) to any expenses incurred by the Secretary of State in taking action, or causing action to be taken, by virtue of this section, as it applies to the expenses referred to in that section, and
 - (b) to any property, debts or liabilities acquired or incurred by him by virtue of this section, as it applies to the property, debts and liabilities referred to in that section.
- (5) Section [F²210 of the M²Local Government (Scotland) Act 1973] (which contains provisions as to local inquiries) shall apply to any local inquiry held under this section.
- [F³(5A) This section shall apply in relation to Scottish Water as it applies in relation to a local authority.]
- (6) This section shall be without prejudice to any other enactment, or any provision in any agreement, under which the performance of the duties mentioned in this section may be enforced.

Textual Amendments

- F1** Words in s. 16(1) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(4)(a)**
- F2** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), **Sch. 12 para. 3**
- F3** S. 16(5A) inserted (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(4)(b)**
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Marginal Citations

- M1** 1868 c. 100.
- M2** 1973 c. 65.

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