



Local Government Act 1958

1958 CHAPTER 55

PART IV

GENERAL AND SUPPLEMENTARY

General amendments relating to local government finance

54 Extension of power of trustees to lend to local authorities

- (1) The manner in which a trustee may invest trust funds under the powers of section one of the Trustee Act, 1925, shall include—
 - (a) the lending of money to an authority to which this section applies, in any case where the money, when borrowed by the authority, is charged on all or any of the revenues of the authority or on a fund into which all or any of their revenues are payable; and
 - (b) the purchase of any security created by an authority to which this section applies for the purpose of borrowing money so charged.
- (2) Subsection (1) of section two of the said Act of 1925 (which extends the power of a trustee to invest in the securities mentioned or referred to in the said section one by authorising the purchase of redeemable securities at a price exceeding the redemption value, but with certain limitations as regards the securities specified in the proviso to that subsection) shall apply to any such security as is mentioned in the foregoing subsection as if it were among the securities mentioned or referred to in the said section one and also, except in the case of stock created by the London County Council, the Metropolitan Water Board, or the Belfast City and District Water Commissioners, among those specified in the said proviso.
- (3) The following are the authorities to which this section applies, that is to say, any local authority, the council of any borough included in a rural district, any parish council, any body all the members of which are members of local authorities, any river board, any river purification board, the Metropolitan Water Board, the Belfast City and District Water Commissioners, the Conservators of the River Thames and the Lee Conservancy Catchment Board.

Status: This is the original version (as it was originally enacted).

- (4) In this section " local authority " means any of the following authorities in the United Kingdom, that is to say—
- (a) in England and Wales, a local authority as defined in section sixty-six of this Act, the Common Council of the City of London, the council of a metropolitan borough and the Council of the Isles of Scilly;
 - (b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947 ;
 - (c) in Northern Ireland, the council of a county, county or other borough, or urban or rural district.
- (5) The foregoing provisions of this section shall apply in relation to trusts the execution of which is governed by the law in force in Northern Ireland as if for the references to the Trustee Act, 1925, there were substituted references to the Trustee Act, 1893 ; and the references in those provisions as so applying to the proviso to subsection (1) of section two of the said Act of 1925 shall be construed as references to the proviso contained in subsection (2) of section two of the said Act of 1893.
- (6) The foregoing subsection shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be a provision of an Act passed before the appointed day within the meaning of that section.

55 Consolidated Loans Funds

- (1) The council of any county or county borough may in accordance with a scheme made by the council and approved by the Minister establish and operate a Consolidated Loans Fund for defraying any expenditure which the council is authorised by or under any enactment to meet out of moneys borrowed by the council and for the repayment or redemption of debt.
- (2) A scheme under this section shall make provision—
- (a) as to the purposes for which payments are to be authorised or required to be made out of the Fund;
 - (b) as to the assets and liabilities which are to be authorised or required to be transferred to or paid into the Fund;
 - (c) without prejudice to the generality of the foregoing paragraphs, applying with the necessary modifications paragraphs (a) to (c) of subsection (1) of section eight of the Local Authorities Loans Act, 1945 (which authorises the application for other capital purposes of assets of a capital fund which are not for the time being required for the purposes of the fund) and for securing that payments shall be made to the Fund of such amounts and at such times as are necessary for fulfilling any requirements as to the period within which loans are to be repaid and the obligations of the council to repay loans and to pay interest on loans and for defraying the management expenses of the Fund;
 - (d) for the keeping of separate accounts of receipts and outgoings of the Fund determined by the scheme to be of a capital and of an income nature respectively, and of expenditure in connection with the management of the Fund;
 - (e) as to the investment of assets of the Fund which are for the time being not required for other purposes, or their application in the repayment or redemption of debt.

- (3) The foregoing provisions of this section shall apply to the council of any county district having, at the time of the making of a scheme, a population of sixty thousand or more, or, with the consent of the Minister given before the making of a scheme, to the council of any other county district, and to the council of any metropolitan borough, as those provisions apply to the council of a county or county borough.
- (4) A scheme under this section shall have effect notwithstanding anything in any enactment.
- (5) A scheme under this section, or a scheme made under the corresponding provisions of any local Act, may be varied or revoked by a subsequent scheme made by the council and approved by the Minister.

56 Contributions by county councils to expenses of county district councils

- (1) Section three hundred and seven of the Public Health Act, 1936, and section one hundred and twenty-six of the Act of 1948 (which empower county councils to make certain contributions to the expenses of county district councils) shall cease to have effect, but a county council may make any contribution the council think fit to expenditure of the council of a county district in the county.
- (2) A county council may make any contribution the council; think fit towards expenditure of the council of a borough to which the Seventh Schedule to this Act applies or by a parish council or parish meeting in connection with the exercise of the functions of the council or meeting relating to public open spaces.
- (3) Where an amount equal to the expenditure to which any contribution is made under subsection (1) of this section falls to be debited to the Housing Revenue Account of the council of the county district, that council shall carry to the credit of the account, in addition to the amounts which the) are required to carry to the credit of that account under section one hundred and twenty-nine of the Housing Act, 1936, are amount equal to the contribution under subsection (1) of this section.

57 Abolition of compulsory county contributions to local health salaries

A county council shall not be required to contribute to any salary accruing after the thirty-first day of March, nineteen hundred and fifty-nine of a medical officer of health or public health inspector of a county district or metropolitan borough.

58 Arrangements by local authorities for handling receipts and payments

- (1) Every local authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of the treasurer:

Provided that in the case of a local authority of which the treasurer at the passing of this Act is not a whole-time officer (that is to say, a person who devotes substantially the whole of his time to his employment by the authority) the said arrangements shall at any time when the treasurer is not a whole-time officer be carried out under the supervision of such officer of the authority as may be designated by them as their chief financial officer.

- (2) The following enactments, that is to say,—

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- (a) subsection (2) of section eighty-six, and sections one hundred and eighty-four and one hundred and eighty-seven, of the Act of 1933, and
 - (b) subsection (3) of section sixty, and sections one hundred and nineteen and one hundred and twenty-two, of the London Government Act, 1939,
- (being enactments imposing requirements as to the manner in which payments into or out of funds of local authorities are to be made or authorised and the manner in which local authorities are to be authorised to incur liabilities exceeding one hundred pounds) shall cease to have effect.
- (3) In this section " local authority " includes the council of a metropolitan borough.
 - (4) This section shall come into force on the first day of April, nineteen hundred and fifty-nine.

Supplementary provisions

59 Change of name of county or borough

- (1) The council of a county or of a borough may with the consent of the Minister change the name of the county or borough.
- (2) Where the name of a borough is changed in pursuance of this section the charter of the borough shall have effect as if the new name were substituted for the old in the name of the borough and its corporation.
- (3) Every change of name made in pursuance of this section shall be published in such manner as the Minister may direct.
- (4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, of any borough, or of any council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be commenced or continued as if there had been no change of name.

60 Transfer and compensation of officers

- (1) Any order under Part II of this Act or scheme under Part III thereof may contain provisions as to the transfer of existing officers affected by the order or scheme and shall contain provisions for the protection of the interests of any such existing officers.
- (2) Provision shall be made, by regulations made by such Minister as may be determined by the Treasury to be appropriate in relation to the persons to whom the regulations relate, for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any national service of theirs would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of any such order or scheme as is mentioned in subsection (1) of this section or of any scheme or order under sections forty-three to forty-five, or Part VI, of the Act of 1933 ; and so much of section one hundred and fifty of that Act as provides for compensation shall not apply to any scheme or order under the said Part VI, but without prejudice to any instrument to which it is applied by any other enactment.

- (3) Regulations under the foregoing subsection may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (4) In this section—
- " existing officer ", in relation to an order or scheme, means an officer serving on such date or dates as may be specified in the order or scheme in relation to him;
 - " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section ;
 - " officer " includes the holder of any place, situation or employment.
- (5) Any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

61 Payments out of moneys provided by Parliament

There shall be defrayed out of moneys provided by Parliament—

- (a) the expenses of the Minister incurred in paying general grants under Part I of this Act;
- (b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Act of 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 as amended by the Valuation and Rating (Scotland) Act, 1956;
- (c) any expenses of the Minister of Health incurred in the exercise of default powers conferred by Part III of this Act;
- (d) any expenses incurred by any Minister in pursuance of the foregoing section;
- (e) any administrative expenses incurred under this Act by any Minister.

62 Minor and consequential amendments

The enactments specified in the Eighth Schedule to this Act shall have effect, as respects England and Wales, subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

63 General provisions as to local inquiries

- (1) Without prejudice to any requirement under the foregoing provisions of this Act, a Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act.
- (2) Subsections (2) to (5) of section two hundred and ninety of the Act of 1933 (which relate to the giving of evidence at inquiries and the payment of costs) shall apply to all inquiries held for the purposes of this Act.

64 Application of Statutory Instruments Act

Any power conferred on a Minister by this Act to make an order or rules or regulations shall be exercisable by statutory instrument.

65 Ascertainment of population

Save as otherwise expressly provided, for the purposes of Parts II to IV of this Act the population of an area shall be taken to be its population as estimated in the latest estimate published by the Registrar General for England and Wales.

66 Interpretation

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" Act of 1933 " means the Local Government Act, 1933 ;

" Act of 1948 " means the Local Government Act, 1948;

" Act of 1955 " means the Rating and Valuation (Miscellaneous Provisions) Act, 1955 ;

" Area Board " means a Board constituted under the Electricity Act, 1947, "the Generating Board" means the Central Electricity Generating Board, and " Electricity Board" means the Generating Board or an Area Board;

" borough " includes any description of borough;

" the Commission " and " the Commissions " have the meanings assigned by subsection (5) of section seventeen of this Act;

" county functions " and " district functions " have the meanings assigned by subsection (2) of section twenty of this Act;

" expenditure " includes sums paid by virtue of a precept or other instrument or by way of contribution;

" functions " means powers or duties ;

" Gas Board " means an Area Board constituted under the Gas Act, 1948, for an area in England or Wales ;

" joint board " includes a combined authority or joint committee;

" metropolitan area " means the area specified in the Fifth Schedule to this Act;

" Minister " means the Minister of Housing and Local Government;

" appropriate Minister " means, in relation to any matter, the Minister in charge of the Government Department concerned or primarily concerned with that matter ;

" parish " means a rural parish;

" relevant expenditure " means expenditure specified in Part I of the First Schedule to this Act and not excluded by any provision of Part II of that Schedule.

(2) In Parts II to IV of this Act, except where the context otherwise requires, the expression " local authority " means the council of a county, county borough or county district and in the said Part II includes the Council of the Isles of Scilly.

(3) Any question arising under this Act as to which Minister is the appropriate Minister shall be determined by the Treasury.

(4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

67 Repeals

The enactments specified in the Ninth Schedule to this Act are hereby repealed, as respects England and Wales, to the extent specified in the third column of that Schedule:

Provided that—

- (a) subject to the following paragraph, the repeal of the enactments specified in Part II or IV of that Schedule shall not have effect as respects any period before the first day of April, nineteen hundred and fifty-nine ;
- (b) the repeal of subsections (2) and (2a) of section one hundred and forty-four of the Act of 1948 and of section four of the Rating and Valuation Act, 1957, shall also have effect as respects payments for the benefit of local authorities for the year beginning with the said first day of April, but not for any earlier year;
- (c) the repeal of the enactments specified in Part III of the Ninth Schedule to this Act shall not affect the levying of rates for any period before the first day of April, nineteen hundred and sixty;
- (d) the repeal of the enactments specified in Part IV of the Ninth Schedule to this Act shall not affect contributions in respect of salary accruing before the first day of April, nineteen hundred and fifty-nine ;
- (e) the repeal of subsection (1) of section sixty-two of the Rating and Valuation Act, 1925, shall not affect the operation of the Overseers Order, 1927, and the repeal of section sixty-seven of the said Act of 1925 shall not affect the operation of any order made under the said section sixty-seven;
- (f) the repeal of the Local Government Boundary Commission (Dissolution) Act, 1949, shall not affect the continuation in force of sections one hundred and forty to one hundred and forty-five of the Act of 1933 or of the Local Government (Alteration of Areas) (Notices) Regulations, 1934.

68 Short title

This Act may be cited as the Local Government Act, 1958.