



Prevention of Damage by Pests Act 1949

1949 CHAPTER 55 12 13 and 14 Geo 6

PART I

RATS AND MICE

12 Powers of Minister with respect to functions of local authorities.

- (1)^{F1}
- (2) Where the Minister is satisfied, on complaint or otherwise, that any of the functions of a local authority under this Part of this Act are not being satisfactorily performed by the authority, he may by order empower any person named in the order to exercise those functions on behalf of the authority.
- (3) Before making an order under this section, the Minister shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of [^{F2}subsections (3) to (5) of section 250 of the ^{M1}Local Government Act 1972] (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.
- (4) Any expenses incurred under this section by a person named in an order made by the Minister thereunder shall on demand be paid to the Minister by the local authority.
- (5) An order under this section may be varied or revoked by a subsequent order.
- (6) In the application of this section to Scotland, for subsection (3) there shall be substituted the following subsection:—
 - “(3) Before making an order under this section, the Secretary of State shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of [^{F3}subsection (3) to (8) of section 210 of the Local Government (Scotland) Act 1973] (which

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relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply to any such inquiry.”

Textual Amendments

- F1** S. 12(1) repealed by [Local Government, Planning and Land Act 1980](#) (c. 65, SIF 81:1, 2), ss. 1(1), 194, Sch. 1, **Sch. 34 Pt. I**
- F2** Words substituted by virtue of [Local Government Act 1972](#) (c. 70) s. 272(2)
- F3** Words substituted by virtue of [Local Government \(Scotland\) Act 1973](#) (c. 65), **s. 237(2)**

Modifications etc. (not altering text)

- C1** S. 12 excluded by [Local Government, Planning and Land Act 1980](#) (c. 65, SIF 81:1, 2), s. 1(1), **Sch. 1**

Marginal Citations

- M1** 1972 c. 70.

Changes to legislation:

There are currently no known outstanding effects for the Prevention of Damage by Pests Act 1949, Section 12.