

Local Government (Miscellaneous Provisions) Act, 1953 1 & 2 ELIZ. 2 CH. 26

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CHAPTER 26

An Act to amend the law relating to local authorities.

[14th July 1953.]

BE it enacted by the Queen'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:—

Finances of local authorities

1.—(1) Subject to the provisions of this Act, a local authority may establish either or both of the following funds, that is to say—

- (a) a capital fund, to be used for defraying any expenditure of the authority to which capital is properly applicable, or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans) ;
- (b) a renewal and repairs fund, to be used for the purpose of defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing any buildings, works, plant, equipment or articles belonging to the authority.

(2) A fund established by a local authority under this section shall not be used to meet, directly or indirectly, any expenditure incurred by the authority for the purposes of an undertaking of the authority, being a transport, water, district heating, harbour, dock, pier or ferry undertaking or a market or civic restaurant, or incurred for the purposes of any functions of the authority as a local education authority.

(3) Pending the application of any such fund as aforesaid for the purposes authorised by this section, the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities; and any income arising from the investment of those moneys, or otherwise from the application of the fund, shall be carried to the county fund or the general rate fund, as the case may be.

(4) The provisions of this section shall be in addition to and not in substitution for any other enactment authorising a local authority to establish a fund for a purpose for which a fund may be established under this section; and where such a fund has been established by a local authority before the commencement of this Act, the Minister may, by order made by statutory instrument on the application of that authority, make provision for the amalgamation of that fund with any corresponding fund established by that authority under this section.

(5) In this section "statutory securities" means any security in which trustees are for the time being authorised by law to invest trust moneys, and any mortgage, bond, debenture, debenture stock, stock or other security created by a local authority, other than annuities, rentcharges or securities transferable by delivery, but does not include, in the case of any local authority, any securities of that authority.

Capital funds.

2.—(1) Subject to the provisions of this section, a local authority by whom a capital fund is established under section one of this Act may pay into that fund—

- (a) any sums derived from the sale of any property of the local authority, not being property held by them for any such purposes as are mentioned in subsection (2) of section one of this Act;
- (b) the whole or any part of the surplus of the revenue income over the revenue expenditure of the county fund or the general rate fund, as the case may be, on the thirty-first day of March in any year, except so far as required by law to be applied to or carried forward for any other purpose; and
- (c) such other sums from the county fund or the general rate fund, as the case may be, as the local authority may by resolution direct;

and shall pay into that fund a sum equal to the amount of any income arising from the fund which is carried to the county fund or the general rate fund, as the case may be, under subsection (3) of section one of this Act.

(2) The aggregate amount paid by a local authority into a capital fund under paragraphs (b) and (c) of subsection (1) of this section shall not, except with the consent of the Minister, exceed in any year the equivalent of the product of a rate in the pound for the area of the authority (as defined by subsections (3) and (4) of section one hundred and forty-four of the Local Government Act, 1948) of the following sum, that is to say—

- (a) in the case of a local authority being the council of a county borough, fourpence ;
- (b) in the case of a local authority being the council of a county, threepence ;
- (c) in the case of a local authority being the council of a metropolitan borough or county district, and in the case of the Common Council of the City of London, twopence ;

and no payment shall be made by the local authority into such a fund so as to make that fund exceed such sum as the Minister may from time to time determine either generally or in any particular case.

(3) In the case of an application of moneys in any such capital fund, the amount to be applied shall not in any one transaction exceed such sum as the Minister may from time to time determine as aforesaid.

(4) Except as provided by this section, all moneys derived from the sale of land which are applied from any such capital fund shall, and all other moneys applied from any such fund may if the local authority think fit, be repaid from the account to which those moneys are advanced by such annual instalments (with or without interest) and within such period as the local authority may determine.

(5) Except with the consent of the Minister, moneys comprised in any such capital fund which are derived from the sale of corporate land within the meaning of the Local Government Act, 1933, shall not be applied otherwise than in the acquisition of other corporate land ; and subsection (4) of this section shall not apply to any such moneys which are applied in the acquisition of such land.

3.—(1) Subject to the provisions of this section, a local authority by whom a renewal and repairs fund is established under section one of this Act may from time to time pay into that fund such sums as they think fit from the county fund or the general rate fund, as the case may be, and shall so pay a sum equal to the amount of any income arising from the fund which is carried to the county fund or the general rate fund, as the case may be, under subsection (3) of section one of this Act. Renewal and repairs funds.

(2) No payment shall be made by a local authority into any such renewal and repairs fund so as to make the fund exceed such sum as the Minister may from time to time determine either generally or in any particular case.

(3) The purposes for which any such renewal and repairs fund may be applied shall not include expenditure for the purposes of an undertaking of the authority in respect of which the authority are authorised to provide a reserve fund, or in connection with any building in respect of which the authority are required under the enactments relating to housing to keep a housing repairs account.

Powers of local authorities in respect of omnibus shelters, etc.

Provision of omnibus shelters, etc.

4.—(1) Subject to the following provisions of this Act, a local authority may provide and maintain in any highway within their district which is comprised in the route of public service vehicles, or on any land abutting on such a highway, shelters or other accommodation at stopping places on the route for the use of persons intending to travel on such vehicles.

(2) Any local authority, or any persons authorised to run public service vehicles, may enter into and carry into effect any agreement with a local authority with respect to the provision and maintenance of shelters or other accommodation under this section by the last-mentioned authority; and any such agreement may in particular provide for the payment by the first-mentioned authority or persons of the whole or any part of the cost of the provision and maintenance of the shelter or accommodation.

(3) A local authority shall consult the Commissioner of Police of the Metropolis with regard to the position of any shelter or other accommodation which they propose to provide under this section in a highway in the metropolitan police district.

(4) In this and the next three following sections, "local authority" includes the council of a rural parish; and "public service vehicle" has the meaning assigned to it by section one hundred and twenty-one of the Road Traffic Act, 1930, except that it includes a tramcar or trolley vehicle as so defined.

Consents to exercise of powers under s. 4.

5.—(1) A local authority shall not have power by virtue of the last foregoing section to provide a shelter or other accommodation in any such situation or position as is described in the first column of the following Table, except with the

consent of the person described in relation thereto in the second column of that Table:—

TABLE

In any highway for which there is a highway authority other than the local authority, or on land abutting on any such highway.	The highway authority.
In any highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
On any bridge not vested in the local authority or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a highway over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a highway.	The railway, canal or inland navigation undertakers concerned.
In a position obstructing or interfering with any existing access to any land or premises abutting on a highway.	The owner (as defined by the Public Health Act, 1936) of the land or premises.

(2) Any consent required by this section in respect of a shelter or other accommodation shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the local authority shall remove the shelter or other accommodation either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(3) Any dispute between a local authority and a person whose consent is required under this section whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonably required shall—

(a) in the case of a dispute between the local authority and the Minister of Transport, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ;

(b) in any other case, be referred to and determined by the Minister of Transport.

Supplementary provisions as to omnibus shelters, etc.

6.—(1) Where a shelter or other accommodation is provided by a local authority under section four of this Act in a position obstructing access to any telegraphic line as defined by the Telegraph Act, 1878, and the Postmaster General notifies the local authority that he requires to obtain access to that line, the authority shall, unless they temporarily remove the shelter or accommodation for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay to the Postmaster General so much of the expenses reasonably incurred by him in obtaining such access as is attributable to the situation of the shelter or accommodation.

(2) The provisions of the foregoing subsection shall apply in relation to any sewers, pipe-subways, pipes, wires or other apparatus belonging to or maintained by any local authority or any gas, electricity, water, hydraulic power, tramcar or trolley vehicle undertakers, as they apply in relation to any such telegraphic line as is therein mentioned, and as if for any reference therein to the Postmaster General there were substituted a reference to the local authority or the undertakers, as the case may be.

(3) Any dispute as to the amount (if any) payable by a local authority under the foregoing provisions of this section shall be determined in accordance with subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936.

Maintenance of existing bus shelters and queue barriers.

7.—(1) Where, at any time before the commencement of this Act, a local authority, acting in the exercise of powers conferred under Regulation 54B of the Defence (General) Regulations, 1939, or without statutory powers, have provided any such accommodation as follows, that is to say—

(a) any such shelter or accommodation as is described in section four of this Act;

(b) any barriers or posts for the regulation of persons waiting to enter public service vehicles,

the local authority shall have power by virtue of this section to maintain that accommodation.

(2) The provisions of sections five and six of this Act shall apply to the maintenance of any accommodation under this section, and to accommodation maintained thereunder, as they apply to the provision of accommodation under section four of this Act, and to accommodation provided under that section; but where any consent required under the said section five has been given by any authority or person before the commencement of this Act in respect of the provision of any accommodation to which this section applies, nothing in this subsection shall be construed as requiring any further consent on the part of that authority or person in respect of the maintenance of that accommodation.

Miscellaneous powers and provisions

8.—(1) Subsection (3) of section seventy-five of the Public Health Act, 1936 (which enables local authorities to provide and maintain dustbins for the reception of house refuse, and to make annual charges not exceeding two shillings and sixpence in respect of each dustbin so provided) shall have effect as if for the words “two shillings and sixpence” there were substituted the words “five shillings”. Dustbins.

(2) Where a local authority are authorised under any enactment other than the said section seventy-five to make, in connection with the carrying out by them of an undertaking as to the collection and disposal of refuse, an annual charge in respect of the provision, maintenance, repair or renewal of dustbins, and the amount of that charge is limited by or by virtue of any Act or other instrument determining the functions of that authority to an amount less than five shillings in respect of each dustbin, that authority may, notwithstanding that limitation, increase that charge to such amount, not exceeding five shillings, as they think fit; and any charge which is increased in pursuance of this subsection shall be subject to the like incidents in all respects as the original charge.

(3) The Minister may by order (to be made by statutory instrument) direct that the foregoing provisions of this section shall have effect as if for references to five shillings there were substituted references to such greater sum as may be specified in the order, and may in like manner vary or revoke any such order; and any statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where an appeal is brought under subsection (1) of the said section seventy-five in respect of a notice requiring one of two persons who are respectively the owner and the occupier of a building to provide a dustbin, and the grounds upon which the appeal is brought include the ground that it was not equitable that the notice should have been served on the appellant—

(a) the appellant shall serve a copy of his notice of appeal on the other of the two said persons; and

(b) on the hearing of the appeal the court may make such order as it thinks fit with respect to compliance with the first-mentioned notice either by the appellant or by the said other person;

and in exercising its powers under this subsection the court shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy of the premises concerned.

Calculation of contributions under New Streets Act, 1951.

9. Where, under any local enactment, the erection of buildings on land having a frontage on a new street is prohibited until works for the construction or sewerage of the street have been carried out in accordance with byelaws, the amount of the sum required to be paid or secured by any person under the New Streets Act, 1951, shall be calculated as if those works had been carried out.

Closing orders in respect of certain buildings.

10.—(1) In any case where a local authority would be required, apart from this section, to make a demolition order under section eleven of the Housing Act, 1936, in respect of a house, the authority may, if they consider it inexpedient to make such an order having regard to the effect of the demolition of that house upon any other house or building, in lieu of making such an order make a closing order prohibiting the use of the house for any purpose other than a purpose approved by the local authority.

(2) A local authority by whom a closing order is made under this section shall serve a copy of the order upon every person upon whom they would be required to serve it if it were a demolition order made under the said section eleven.

(3) Where a closing order has been made by a local authority under this section in respect of a house, the authority may at any time revoke that order and make a demolition order under the said section eleven without further compliance with the provisions of subsections (1) to (3) of that section.

- (4) The following provisions of the said Act, that is to say—
- (a) so much of subsection (1) of section twelve as directs that the approval of the local authority shall not be unreasonably withheld and provides for the determination of a closing order;
 - (b) section fourteen (which imposes a penalty for using premises in contravention of a closing order);
 - (c) section fifteen (which relates to appeals to the county court against notices, demands and orders);
 - (d) section eighteen (which enables local authorities to pay allowances to persons displaced from premises to which closing orders apply);
 - (e) section nineteen (which contains provisions for the protection of owners of houses); and
 - (f) section one hundred and fifty-six (which provides for the recovery of possession of premises subject to closing orders),

shall have effect in relation to a closing order made under this section and to a house to which such an order applies as they have effect in relation to a closing order under the said section

twelve and to a part of a building to which such an order applies, and as if references to Part II of that Act included references to this section.

(5) Section one hundred and sixty of the said Act (which empowers the county court to determine or vary a lease of premises in respect of which a demolition order has become operative) shall have effect in relation to a closing order under this section which has become operative and to a house to which such an order applies as it has effect in relation to a demolition order which has become operative and to a house to which such an order applies.

11.—(1) Section two of the Housing Act, 1949 (which provides for the quashing of certain outstanding demolition orders on request in that behalf made within twelve months from the commencement of that Act), shall have effect and shall be deemed always to have had effect, as though for the words “within the period of twelve months from the commencement of this Act” there were substituted the words “not later than twelve months after the passing of the Local Government (Miscellaneous Provisions) Act, 1953”.

Provisions relating to certain outstanding demolition orders.

(2) Where a demolition order has been made in respect of a house under Part II of the Housing Act, 1936, at any time before the commencement of this Act, and it appears to the local authority by whom that order was made that compliance therewith is inexpedient having regard to the effect of the demolition of that house upon any other house or building, they may, whether or not that order has become operative and whether or not the period within which the house is thereby required to be demolished has expired, revoke the demolition order and make in respect of the house such a closing order as is authorised by subsection (1) of section ten of this Act.

(3) Subsections (2) to (5) of the said section ten shall apply to a closing order made under the last foregoing subsection as if it were made under the said section ten, and as if the reference in subsection (2) of that section to a copy of the closing order included a reference to a notice of the revocation of the demolition order.

12.—(1) Subject to the provisions of this section, Part XIII of the Third Schedule to the Water Act, 1945 (which contains provisions for preventing waste of water) with the exception of section sixty-one (which empowers the undertakers to test water fittings) is hereby incorporated with every local enactment authorising a local authority to supply water, and shall apply to every water undertaking carried on by a local authority under any such enactment accordingly; and so much of any such enactment as contains provisions corresponding with the provisions applied by this subsection shall cease to have effect.

Water undertakings of local authorities.

(2) The foregoing subsection shall not apply to any local enactment which contains provisions corresponding with any of the provisions of the said Part XIII otherwise than by virtue of the incorporation of that Part or of the relevant provisions of that Part, or of any corresponding enactment repealed by the Water Act, 1945, or to any local enactment authorising a local authority to supply water in bulk only.

(3) Section sixty-four of the said Third Schedule (which relates to waste of water by non-repair of water fittings) shall have effect, so far as applied by this section or by section one hundred and twenty of the Public Health Act, 1936, to the undertaking of a local authority, as set out with modifications in the Schedule to this Act.

(4) Notwithstanding anything in subsection (3) of section forty-one of the Third Schedule to the Water Act, 1945 (which provides for the recovery from owners or occupiers of expenses incurred by the undertakers in laying communication pipes) as applied in relation to the water undertaking of any local authority, or in any corresponding provision of any local enactment authorising a local authority to supply water, any such local authority may, if they think fit, themselves bear the whole or any part of any expenses recoverable by the authority thereunder.

(5) In this section "local enactment" has the meaning assigned to it by the Water Act, 1945, and "local authority" includes a joint water board within the meaning of that Act.

(6) Any notice, authority or requirement given or imposed under any enactment repealed by this section shall have effect as if given or imposed under the corresponding provision of Part XIII of the Third Schedule to the Water Act, 1945.

Power to local authorities to waive certain sewerage charges.

13. Notwithstanding anything in section thirty-six of the Public Health Act, 1936 (which enables local authorities to undertake the making of communications with public sewers in certain cases) any local authority may themselves bear the whole or any part of any expenses recoverable under that section from the person for whom the work is done by that authority thereunder.

Declaration of voting at elections of county and borough aldermen.

14.—(1) Upon an election of county or borough aldermen held under the Local Government Act, 1933, the person presiding at the meeting shall, as soon as all the voting papers have been delivered to him, proceed to ascertain the result of the voting and state the number of votes given to each person, and shall then deliver the voting papers to the clerk of the county council or the town clerk, as the case may be, to be kept for six months.

(2) In the case of any such election as aforesaid, the minutes of the proceedings of the meeting shall include the full names and places of residence and descriptions of the persons to whom votes are given, and the names of the persons by whom those votes are given respectively.

(3) Subsection (4) of section seven of the Local Government Act, 1933, subsection (4) of section twenty-two of that Act, section two hundred and twenty-five of the Nottinghamshire County Council Act, 1951, and section one hundred and nine of the Glamorgan County Council Act, 1952, are hereby repealed.

- 15.** In each of the following enactments, that is to say—
- (a) subsection (2A) of section seventy-six of the Local Government Act, 1933 (which restricts the effect of the disabilities imposed by subsection (1) of that section upon members of local authorities having a pecuniary interest in contracts in the case of persons having only an indirect interest by virtue of the holding of shares in a company where that holding does not exceed two hundred pounds or one hundredth of the issued share capital, whichever is the less);
 - (b) subsection (2A) of section fifty-two of the London Government Act, 1939 (which makes corresponding provision in respect of London); and
 - (c) subsection (2A) of section seventy-three of the Local Government (Scotland) Act, 1947 (which makes corresponding provision in respect of Scotland),

Disability of members of local authorities on account of interests in contracts.

for the words “two hundred pounds” there shall be substituted the words “five hundred pounds”.

16.—(1) In subsection (1) of section one hundred and twelve of the Local Government Act, 1948 (which provides for the payment of financial loss allowances to members of bodies to which Part VI of that Act applies), after the words “financial loss allowance” there shall be inserted the words “not exceeding such amount as may be prescribed”.

Financial loss allowances to members of local authorities, etc.

(2) A statutory instrument containing regulations made under section one hundred and seventeen of the said Act, being regulations made for the purposes of section one hundred and twelve of that Act as amended by this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The proviso to the said section one hundred and twelve (which imposes specific limits on the amount of any payment under that subsection in respect of any one period of twenty-four hours) shall cease to have effect on such date as may be prescribed by regulations made as aforesaid.

*Supplemental***Financial provisions.**

17. There shall be defrayed out of moneys provided by Parliament any increase in the sums payable under any other enactment out of moneys so provided which is attributable to the provisions of this Act.

Interpretation.

18.—(1) In this Act—

“local authority” means the council of a county, county borough, metropolitan borough or county district and the Common Council of the City of London ; and

“the Minister” means the Minister of Housing and Local Government.

(2) Any reference in this Act to any enactment shall be construed as a reference thereto as amended by or under any subsequent enactment.

Short title, commencement and extent.

19.—(1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act, 1953.

(2) This Act shall come into operation one month after the date on which it is passed.

(3) Sections fifteen and sixteen of this Act, and section seventeen, so far as it relates to section sixteen, shall extend to Scotland ; but except as aforesaid this Act shall not extend to Scotland or Northern Ireland.

SCHEDULE

Section 12.

SECTION 64 OF THIRD SCHEDULE TO WATER ACT, 1945, AS MODIFIED

64.—(1) If the owner of any premises wilfully or negligently causes or suffers any water fitting, not being a fitting which some person other than the owner is liable to maintain, or if the occupier of any premises wilfully or negligently causes or suffers any water fitting, not being a fitting which some person other than the occupier is liable to maintain,—

Penalty for
waste, etc., of
water by
non-repair of
water fittings.

(a) to be or remain so out of order, or so in need of repair; or

(b) to be or remain so constructed or adapted, or be so used,

that the water supplied to those premises by the undertakers is, or is likely to be, wasted, misused or unduly consumed or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to, the undertakers, he shall be liable to a fine not exceeding five pounds.

(2) If any water fitting on any premises, not being a fitting which the undertakers are liable to maintain, is in such a condition, or so constructed or adapted as aforesaid, the undertakers, without prejudice to their right to institute proceedings under the last foregoing subsection, may require the owner of the premises to carry out any necessary repairs or alterations, and, if he fails to do so within forty-eight hours, may themselves carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Housing Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 51.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
New Streets Act, 1951	14 & 15 Geo. 6. c. 40.
Nottinghamshire County Council Act, 1951	14 & 15 Geo. 6. c. xlv.
Glamorgan County Council Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. li.

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Local Government
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