



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART XII

MISCELLANEOUS

33 Enforceability by local authorities of certain covenants relating to land.

- (1) The provisions of this section shall apply if a principal council (in the exercise of their powers under section 111 of the ^{M1}Local Government Act 1972 or otherwise) and any other person are parties to an instrument under seal which—
- [^{F1}(a) is executed for the purpose of securing the carrying out of works on land in the council's area in which the other person has an interest, or
 - (b) is executed for the purpose of regulating the use of or is otherwise connected with land in or outside the council's area in which the other person has an interest,

and which is neither executed for the purpose of facilitating nor connected with the development of the land in question.]

- (2) If, in a case where this section applies,—
- (a) the instrument contains a covenant on the part of any person having an interest in land, being a covenant to carry out any works or do any other thing on or in relation to that land, and
 - (b) the instrument defines the land to which the covenant relates, being land in which that person has an interest at the time the instrument is executed, and
 - (c) the covenant is expressed to be one to which this section or section 126 of the ^{M2}Housing Act 1974 (which is superseded by this section) applies,

the covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor in respect of his interest in any of the land defined as mentioned in paragraph (b) above and any person deriving title under him

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in respect of any lesser interest in that land as if that person had also been an original covenanting party in respect of the interest for the time being held by him.

- (3) Without prejudice to any other method of enforcement of a covenant falling within subsection (2) above, if there is a breach of the covenant in relation to any of the land to which the covenant relates, then, subject to subsection (4) below, the principal council who are a party to the instrument in which the covenant is contained may—
- (a) enter on the land concerned and carry out the works or do anything which the covenant requires to be carried out or done or remedy anything which has been done and which the covenant required not to be done; and
 - (b) recover from any person against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise) any expenses incurred by the council in exercise of their powers under this subsection.
- (4) Before a principal council exercise their powers under subsection (3)(a) above they shall give not less than 21 days notice of their intention to do so to any person—
- (a) who has for the time being an interest in the land on or in relation to which the works are to be carried out or other thing is to be done; and
 - (b) against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise).
- (5) If a person against whom a covenant is enforceable by virtue of subsection (2) above requests the principal council to supply him with a copy of the covenant, it shall be their duty to do so free of charge.
- (6) The ^{M3}Public Health Act 1936 shall have effect as if any reference to that Act in—
- (a) section 283 of that Act (notices to be in writing; forms of notices, etc.),
 - (b) section 288 of that Act (penalty for obstructing execution of Act), and
 - (c) section 291 of that Act (certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments),
- included a reference to subsections (1) to (4) above and as if any reference in those sections of that Act—
- (i) to a local authority were a reference to a principal council; and
 - (ii) to the owner of the premises were a reference to the holder of an interest in land.
- (7) Section 16 of the ^{M4}Local Government (Miscellaneous Provisions) Act 1976 shall have effect as if references to a local authority and to functions conferred on a local authority by any enactment included respectively references to such a board as is mentioned in subsection (9) below and to functions of such a board under this section.
- (8) In its application to a notice or other document authorised to be given or served under subsection (4) above or by virtue of any provision of the ^{M5}Public Health Act 1936 specified in subsection (6) above, section 233 of the ^{M6}Local Government Act 1972 (service of notices by local authorities) shall have effect as if any reference in that section to a local authority included a reference to the Common Council of the City of London and such a board as is mentioned in the following subsection.
- (9) In this section—
- (a) “principal council” means the council of a county, district or London borough [^{F2}the Broads Authority], a board constituted in pursuance of [^{F3}section 2 of the ^{M7}Town and Country Planning Act 1990]^{F4}... , the Common Council of the City of London [^{F5}, the London Residuary Body,]^{F6} a fire and rescue authority

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created by an order under section 4A of the Fire and Rescue Services Act 2004,] [F7 the London Fire Commissioner,] a [F8 police and crime commissioner, the Mayor's Office for Policing and Crime,] F9 ... [F10 the Residuary Body for Wales (Corff Gweddilliol Cymru)] F11 ... [F12, a joint authority established by Part 4 of the Local Government Act 1985, [F13 an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009] F14 or a combined authority established under section 103 of that Act] F15 ... ; and

- (b) “area” in relation to such a board means the district for which the board is constituted F4 ... [F16 in relation to the London Residuary Body means Greater London] F17 in relation to the Residuary Body for Wales (Corff Gweddilliol Cymru) means Wales] F18, F19 ... and in relation to such a joint authority [F20, economic prosperity board] F21 or combined authority] means the area for which the authority was established].

- (10) Section 126 of the M8 Housing Act 1974 (which is superseded by this section) shall cease to have effect; but in relation to a covenant falling within subsection (2) of that section, section 1(1)(d) of the M9 Local Land Charges Act 1975 shall continue to have effect as if the reference to the commencement of that Act had been a reference to the coming into operation of the said section 126.

Textual Amendments

- F1 S. 33(1) substituted (25.10.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 6; S.I. 1991/2272, art. 3.
- F2 Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 23
- F3 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 56(1)
- F4 Words in s. 33(9)(a)(b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, Sch.
- F5 Words inserted by S.I. 1990/1765, art. 4(6)(a)
- F6 Words in s. 33(9)(a) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 1 para. 45; S.I. 2017/399, reg. 2, Sch. para. 38
- F7 Words in s. 33(9)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 2 para. 66
- F8 Words in s. 33(9)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 156; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 44)
- F9 Words in s. 33(9)(a) repealed (1.4.2002) by Criminal Justice and Police Act 2001 (c. 16), s. 138, Sch. 7 Pt. 5, S.I. 2002/344, art. 3 (with art. 4)
- F10 Words in s. 33(9)(a) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), Sch. 13 para. 29(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F11 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1
- F12 Words in s. 33(9)(a) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 13 para. 38(2)(a); S.I. 2008/917, art. 2(1)(p)
- F13 Words in s. 33(9)(a) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), Sch. 6 para. 56(2)(a); S.I. 2009/3318, art. 2(c)
- F14 Words in s. 33(9)(a) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 13 para. 6(16)(a); S.I. 2015/994, art. 6(g)
- F15 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- F16 Words inserted by S.I. 1990/1765, art. 4(6)(b)

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- F17** Words in s. 33(9)(b) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 29(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- F18** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 61(a)(ii)**
- F19** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F20** Words in s. 33(9)(b) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 56(2)(b)**; S.I. 2009/3318, **art. 2(c)**
- F21** Words in s. 33(9)(b) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(16)(b)**; S.I. 2015/994, art. 6(g)

Modifications etc. (not altering text)

- C1** S. 33: Power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (e)(i)**; S.I. 1997/1930, **art. 3(1)(m)**
- C2** S. 33 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(3)(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C3** S. 33 applied (with modifications)(16.3.1992) by Avon Weir Act 1992 (c. v), **s. 59** (with s. 61)
- C4** S. 33 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **26**
- C5** S. 33 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **26**
- C6** S. 33(9)(a) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**
- C7** S. 33(9)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**

Marginal Citations

- M1** 1972 c. 70.
- M2** 1974 c. 44.
- M3** 1936 c. 49.
- M4** 1976 c. 57.
- M5** 1936 c. 49.
- M6** 1972 c. 70.
- M7** 1990 c.11 (**123:1**).
- M8** 1974 c. 44.
- M9** 1975 c. 76.

34 Local land charges registers—computerisation etc.

In the Local Land Charges Act 1975—

- (a) the following subsection shall be substituted for subsection (3) of section (3) (which provides for the keeping of local land charges registers and indexes of such registers)—

“(3) Neither a local land charges register nor an index such as is mentioned in subsection (2)(b) above need be kept in documentary form.” ;

- (b) the following subsection shall be inserted after subsection (1) of section 8 (personal searches)—

“(1A) If a local land charges register is kept otherwise than in documentary form, the entitlement of a person to search in it is satisfied if the registering authority makes the portion of it which he wishes to examine available for inspection in visible and legible form.” ;

- (c) in subsection (2) of that section, for the words “subsection (1)” there shall be substituted the words “ subsections (1) and (1A) ” ;

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- (d) in section 10(1) (compensation)—
- (i) the following paragraph shall be inserted after paragraph (a)—
- “(aa) in a case where the appropriate local land charges register is kept otherwise than in documentary form and a material personal search of that register was made in respect of the land in question before the relevant time, if the entitlement to search in that register conferred by section 8 above was not satisfied as mentioned in subsection (1A) of that section ; or” ; and
- (ii) the words “ in consequence ” shall be substituted for the words from “by reason” onwards; and
- (e) the following subsection shall be inserted after subsection (1) of section 16 (interpretation)—
- “(1A) Any reference in this Act to an office copy of an entry includes a reference to the reproduction of an entry in a register kept otherwise than in documentary form.”.

Modifications etc. (not altering text)

- C8** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

35, 36. **F22**

Textual Amendments

- F22** Ss. 35, 36 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

37 Temporary markets.

- (1) The council of a district or a London borough may resolve that the following provisions of this section shall apply to their district or borough; and if a council so resolve and within 14 days of the passing of the resolution give notice of the resolution by advertising in a local newspaper circulating in their area, those provisions shall come into force in their district or borough on the day specified in the resolution.
- (2) Subject to subsection (3) below, any person intending to hold a temporary market in a district or London borough where the provisions of this section have come into force, and any occupier of land in such a district or borough who intends to permit the land to be used as the site of a temporary market or for purposes of that market, shall give the council of the district or the borough not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used, as the case may be.

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- (3) No notice is required under subsection (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.
- (4) Any notice given under subsection (2) above shall state—
- (a) the full name and address of the person intending to hold the market;
 - (b) the day or days on which it is proposed that the market shall be held and its proposed opening and closing times;
 - (c) the site on which it is proposed that it shall be held;
 - (d) the full name and address of the occupier of that site, if he is not the person intending to hold the market.
- (5) A person who without giving the notice required by subsection (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F23level 4 on the standard scale].
- (6) In this section “temporary market” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—
- (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; or
 - (b) a sale by auction of farm livestock or deadstock.
- (7) A person holds a temporary market for the purposes of this section if—
- (a) he is entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market; or
 - (b) he is entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.
- (8) This section does not apply to a market held on any land in accordance with planning permission granted on an application made under [F24Part III of the Town and Country Planning Act 1990].

Textual Amendments

F23 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

F24 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 56\(2\)](#)

38 Work undertaken by local authorities and development bodies under certain agreements with Manpower Services Commission.

- (1) The following subsection shall be added at the end of section 20 of the ^{M10}Local Government, Planning and Land Act 1980—

“(4) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work” does not include work undertaken by a local authority or a development body pursuant to an agreement made with the Manpower

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Services Commission on or after 1st April 1982 which specifies the work to be undertaken by the authority or body and under which the Commission has agreed to pay the whole or part of the cost of the work so specified.”.

- (2) The words “to (4)” shall accordingly be substituted for the words “ and (3) ” in the definition of “construction or maintenance work” in subsection (1) of that section.
- (3) This section extends to Scotland.

Modifications etc. (not altering text)

- C9** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M10** 1980 c. 65.

39 Insurance etc. of local authority members and persons voluntarily assisting local authorities and probation committees.

- (1) In section 140 of the ^{M11}Local Government Act 1972 (insurance by local authorities against accidents to members)—
 - (a) the following subsection shall be substituted for subsection (1)—

“(1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act 1981 against any risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.”
 - (b) the words in subsection (3) from “but” to the end shall cease to have effect.
- (2) The following subsections shall be inserted after that section—

“140A Insurance of voluntary assistants of local authorities.

- (1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.
- (2) In this section—

“local authority” includes—

 - (a) a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 of this Act ;
 - (b) the Common Council of the City of London ; and
 - (c) the Council of the Isles of Scilly ; and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for payment by the local authority (except by way

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of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.

140B Insurance of voluntary assistants of probation committees.

- (1) A county council and the Greater London Council may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.
- (2) In this section—

“relevant probation committee” means—

- (a) in relation to a county council, a probation committee for a probation area wholly or partly within the county ; and
- (b) in relation to Greater London, a probation committee for a probation area wholly or partly within an outer London borough (within the meaning of section 1 of the 1963 Act) ; and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.

140C Provisions supplementary to sections 140A and 140B.

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
 - (a) class IV in Schedule 1 to the Insurance Companies Act 1981 (permanent health insurance) ; and
 - (b) class 1 in Part I of Schedule 2 to that Act (accident insurance).
- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving to it, or to the personal representatives of the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the authority consider appropriate having regard to the circumstances of the case ; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependent of the voluntary assistant.
- (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.
- (4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.”.

^{F25}(3)

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Textual Amendments

F25 S. 39(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

Modifications etc. (not altering text)

C10 The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M11 1972 c. 70.

^{F26} 40 Nuisance and disturbance on educational premises.

Textual Amendments

F26 S. 40 repealed (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), art. 3; [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)

41 Lost and uncollected property.

- (1) This section has effect where—
 - (a) property comes into the possession of a local authority after being found on buildings or premises owned or managed by them; or
 - (b) property which has been deposited with a local authority is not collected from them in accordance with the terms under which it was deposited.
- (2) Where—
 - (a) property is found on any building or premises owned or managed by a local authority; and
 - (b) it is subsequently handed over to the authority,
any right of possession of the property which was vested in a person by virtue of its having been found is extinguished.
- (3) If—
 - (a) the local authority gives the owner or, as the case may be, the depositor of the property notice in writing—
 - (i) that they require him to collect the property by a date specified in the notice; and
 - (ii) that if he does not do so the property will vest in the local authority on that date; and
 - (b) he fails to comply with the notice,
the property shall vest in the local authority on the specified date.
- (4) The date to be specified in a notice under subsection (3) above shall be not less than one month from the date of the notice.

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- (5) Where it appears to the local authority, on the date when property comes into their possession as mentioned in paragraph (a) of subsection (1) above, that it is impossible to serve a notice under subsection (3) above, the property shall vest in the authority one month from that date.
- (6) Where the local authority are satisfied after reasonable inquiry that it is impossible to serve a notice under subsection (3) above in relation to any property, it shall vest in them six months from the relevant date.
- (7) Where—
- (a) any property is of a perishable nature; or
 - (b) to look after it adequately would involve the local authority in unreasonable expense or inconvenience,
- the authority may sell or otherwise dispose of it at such time and in such manner as they think fit.
- (8) Where property is sold or otherwise disposed of under subsection (7) above—
- (a) any person to whom the property is transferred shall have a good title to it; and
 - (b) any proceeds of sale shall vest in the local authority on the day when the property would have vested in them under this section if it had not been sold.
- (9) Where any property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above vests in the authority under this section, the authority may give the whole or any part of the property to the person through whom it came into their possession.
- (10) Where the proceeds of sale of property which came into the possession of a local authority as mentioned in the said paragraph (a) vest in the authority under this section, the authority may make a payment not exceeding the value of the property to the person through whom it came into their possession.
- (11) Where property is claimed by its owner or depositor before it vests in a local authority under this section, he may collect it on payment to the local authority of any sum which they require him to pay in respect of costs incurred by them—
- (a) in making inquiries for the purposes of this section or serving any notice under subsection (3) above; and
 - (b) in looking after the property adequately.
- (12) This section shall not apply to any property which is found—
- (a) on an aerodrome or in an aircraft on an aerodrome;
 - (b) in a public service vehicle; or
 - ^{F27}(c) on any premises belonging to or under the control of Transport for London or of any of its subsidiaries (within the meaning of the Greater London Authority Act 1999).]
- (13) In this section—
- “aerodrome” has the meaning assigned to it by section 28(1) of the ^{M12}Civil Aviation Act 1968;
- “local authority” means—
- (a) a local authority as defined in section 270(1) of the ^{M13}Local Government Act 1972; and

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- (b) a board constituted in pursuance of [^{F28}section 2 of the Town and Country Planning Act ^{M14}1990]^{F29}...; and
 - (bb) [^{F30}the Broads Authority; and]
 - (c) the Common Council of the City of London; [^{F31}and
 - (ca) [^{F32}a police and crime commissioner; and]
 - (caa) [^{F32}the Mayor's Office for Policing and Crime; and.]
 - (cb) ^{F33}.....
 - (d) ^{F34}.....
 - (e) a joint authority established by Part IV of the Local Government Act 1985;
 - (eza) [^{F35}an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (ezb) a combined authority established under section 103 of that Act;]
 - (ezc) [^{F36}a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;]
 - (ea) ^{F37}... [^{F38}and
 - (f) [^{F39}the London Fire Commissioner;]]
- “public service vehicle” has the meaning assigned to it by section 1 of the ^{M15}Public Passenger Vehicles Act 1981;
- “the relevant date” means—
- (a) in relation to property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above, the date when it came into their possession; and
 - (b) in relation to uncollected property,—
 - (i) the date when the local authority accepted custody of it; or
 - (ii) the date when the period for which it was deposited with them expired,
- whichever is the later.

Textual Amendments

- F27** S. 41(12)(c) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), **Sch. 1 para. 11**
- F28** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 56(3)**
- F29** Words in s. 41(13) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), art. 2, **Sch.**
- F30** Words in s. 41(13) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 23(2)**
- F31** Words in s. 41(3) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. II para. 61(b)**
- F32** Words in s. 41(13) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 157**; [S.I. 2011/3019](#), art. 3, Sch. 1 (with Sch. 2 para. 45)
- F33** Words in s. 41(13) repealed (1.4.2002) by [2001 c. 16, ss. 128, 137](#), Sch. 6 Pt. 2 para. 40, **Sch. 7 Pt. 5(1)**; [S.I. 2002/344](#), art. 3
- F34** Words in s. 41(13) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F35** Words in s. 41(13) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 56(3)**; [S.I. 2009/3318](#), art. 2(c)

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- F36** Words in s. 41(13) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 46**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F37** Words in s. 41(13) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(16)(c)**; S.I. 2015/994, art. 6(g)
- F38** Words in s. 41(13) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 36** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F39** Words in s. 41(13) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 67**

Modifications etc. (not altering text)

- C11** S. 41 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(j)**
- C12** S. 41: power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (e)(ii)**; S.I. 1997/1930, **art. 3(1)(m)**
- C13** S. 41 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C14** S. 41 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **29(3)**
- C15** S. 41 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **29(3)**
- C16** Words in s. 41(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**
- C17** Words in s. 41(13) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(o)**

Marginal Citations

- M12** 1968 c. 61
- M13** 1972 c. 70 (81:1).
- M14** 1990 c.11 (123:1).
- M15** 1981 c. 14 (107:1).

42 **F40**

Textual Amendments

- F40** S. 42 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

43 Advances for acquisition of land, erection of buildings or carrying out of works.

In section 3 of the ^{M16}Local Authorities (Land) Act 1963—

- (a) the following subsection shall be substituted for subsection (1)—
 - “(1) Where a local authority are satisfied that it would be for the benefit or improvement of their area, they may, subject to the provisions of this section, advance money to any person for the purpose of enabling him—
 - (a) to acquire land ; or
 - (b) to erect any building or to carry out any work on land.” ; and
- (b) the following subsections shall be substituted for subsection (3)—
 - “(3) The amount of the principal of an advance made under subsection (1)
 - (a) of this section shall not exceed nine-tenths of the value of the land.

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- (3A) The amount of the principal of an advance made under subsection (1) (b) of this section shall not exceed nine-tenths of the value which it is estimated the mortgaged security will bear upon the completion of the building or other works in respect of which the advance is made.”.

Modifications etc. (not altering text)

C18 The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M16 1963 c. 29.

44 Definition of certain local authority expenditure.

In section 137 of the ^{M17}Local Government Act 1972 (which gives local authorities power to incur expenditure for certain purposes not otherwise authorised, but limits the expenditure which it authorises)—

- (a) the following subsections shall be inserted after subsection (2)—

“(2A) Without prejudice to the generality of subsection (1) above, the power of a local authority to incur expenditure under that subsection includes power to incur expenditure in giving financial assistance to persons carrying on commercial or industrial undertakings.

(2B) Financial assistance under subsection (2A) above may be given by lending or guarantee, or by making grants.” ;

- (b) the following subsections shall be inserted after subsection (4)—

“(4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

- (a) any grant paid to the local authority for that year under the Local Government Grants (Social Needs) Act 1969, in so far as the grant is in respect of an activity in relation to which the authority have incurred expenditure in that year under this section ;
- (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year ;
- (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure ;
- (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant

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- is in respect of an activity in relation to which the authority incurred expenditure under this section ;
- (e) the amount of any repayment in that year of a loan under this section made by the authority in any year ; and
- (f) the amount of any expenditure—
- (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State ; or
 - (ii) which is incurred by the authority in that year and is of a description so specified ; or
 - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.” ; and
- (c) in subsection (5), for the words “subsection (4) above” there shall be substituted the words “ this section ”.

Modifications etc. (not altering text)

C19 The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M17 1972 c. 70.

45 Arrangements under Employment and Training Act 1973.

- (1) A local authority to whom this section applies shall have power and shall be deemed always to have had power to enter into arrangements with ^{F41}... the Secretary of State under any provision of the Employment and Training Act 1973.
- (2) The local authorities to whom this section applies are—
- (a) a local authority as defined in section 270(1) of the ^{M18}Local Government Act 1972;
 - ^{F42}(aa) an authority established by Part ^{F43}... IV of the Local Government Act 1985 or by an order under section 10 of that Act;
 - (ab) a body corporate established by an order under section 67 of that Act.].
 - (b) a board constituted in pursuance of [^{F44}section 2 of the Town and Country Planning Act 1990]^{F45}...; ^{F46}...
 - ^{F47}(bb) the Broads Authority; ^{F46}...]
 - (c) the Common Council of the City of London.
 - ^{F48}(ca) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004; and]
 - ^{F49}(d) the London Fire Commissioner.]

Textual Amendments

F41 Words repealed by virtue of [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. I](#)

F42 S. 45(2)(aa)(ab) inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 34(1)(2)

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- F43** Words “III or” omitted by virtue of repeal of words “or III” by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F44** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 56(3)**
- F45** Words in s. 45(2)(b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F46** S. 45(2)(b)(bb): word “and” repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(i)**
- F47** S. 45(2)(bb) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 23(2)**
- F48** S. 45(2)(ca) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 47**; S.I. 2017/399, reg. 2, Sch. para. 38
- F49** S. 45(2)(d) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 68**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

- C20** S. 45 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C21** S. 45 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **29(4)**

Marginal Citations

- M18** 1972 c. 70.

F⁵⁰ 46 Extension of duration of local Act powers to assist industry etc.

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Textual Amendments

- F50** S. 46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

Status:

Point in time view as at 03/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Part XII.