

Parish Councils Act, 1957

5 & 6 ELIZ. 2 CH. 42

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CHAPTER 42

An Act to make further provision as to the constitution of parish councils, and as to the powers of parish councils and parish meetings, in rural parishes in England and Wales. [17th July, 1957]

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:—

PART I

POWERS TO PROVIDE PUBLIC AMENITIES

1.—(1) Subject to the provisions of section five of this Act, a parish council may provide and maintain seats and shelters for the use of the public and cause them to be installed or erected in proper and convenient situations in, or on any land abutting on, any road within the parish. Power to provide seats and shelters in roads.

(2) In parishes in which the Public Improvements Act, 1860 (in this section referred to as "the Act of 1860") has effect, the powers conferred by this section shall be in substitution for any powers under that Act to place seats and shelters.

(3) The Act of 1860 (which, in so far as it relates to the provision of recreation grounds and public walks by parish councils, has been superseded by section eight of the Local Government Act, 1894, and, in so far as it confers powers on other local authorities, has been superseded by other enactments) shall cease to have effect; and accordingly for the purposes of subsection (3) of section one hundred and ninety-three of the Local Government Act, 1933 (which limits the sums which may be required to be raised in any financial year to meet the expenses of a parish

PART I
—cont.

council, other than expenses under the Act of 1860 and certain other Acts) any expenditure by a parish council in providing or acquiring land for a recreation ground or public walk under subsection (1) of the said section eight, or in exercising any powers under the said subsection (1) in relation to a recreation ground or public walk provided under that subsection or under the Act of 1860, shall be left out of account.

Power to
provide
public clocks.

2. A parish council may provide, maintain and light such public clocks within the parish as they consider necessary, and (subject to the provisions of section five of this Act) may cause them to be installed on or against any premises or in any other place the situation of which may be convenient.

Power to
light roads
and public
places.

3.—(1) Where this subsection has effect in any parish or part of a parish, the parish council or, if there is no parish council, the parish meeting may (subject to the provisions of section five of this Act) for the purpose of lighting the roads and other public places in the parish, or in that part of the parish, as the case may be,—

- (a) provide and maintain such lamps, lamp posts and other materials and apparatus as they think necessary;
- (b) cause such lamps, lamp posts and other materials and apparatus to be erected or installed on or against any premises or in such other places as may be convenient;
- (c) contract with any person for the supply of gas, electricity or other means of lighting; and
- (d) employ, with or without remuneration, such persons as may be necessary for the maintenance and superintendence of anything provided under this subsection.

(2) Subject to the provisions of subsection (4) of this section, subsection (1) of this section shall have effect in place of the Lighting and Watching Act, 1833, in every parish or part of a parish in which that Act was in force immediately before the commencement of this Act; and—

- (a) in a parish having a parish council, all property, debts and liabilities of any inspectors under that Act shall vest in the parish council;
- (b) in a parish not having a parish council, all such property, debts and liabilities shall vest in the representative body of the parish, subject to such directions as may be given by the parish meeting under section forty-seven of the Local Government Act, 1933 (which provides that the representative body shall in all respects act in manner directed by the parish meeting).

(3) Subject to the provisions of subsection (4) of this section, subsection (1) of this section shall also have effect—

- (a) in every parish for which it is adopted by the parish meeting; and

(b) in every part of a parish for which it is adopted by a parish meeting which, apart from this section, is authorised or required to be held for that part;

and the said subsection (1) may be adopted as aforesaid notwithstanding that it already has effect in any area within the parish or part of a parish for which it is so adopted:

Provided that the said subsection (1) shall not be adopted for any parish or part of a parish in respect of which a rural district council has the powers of an urban authority under section one hundred and sixty-one of the Public Health Act, 1875 (which confers powers of lighting on urban authorities) except with the consent of the Minister of Housing and Local Government, and the Minister shall not give his consent unless he is satisfied on the application of the parish meeting of the parish or part of a parish for which it is proposed to adopt the said subsection (1), and after consultation with the rural district council, that the rural district council is not exercising the said powers in relation to that parish or part of a parish in such a manner as to provide adequate lighting of the roads and other public places therein.

(4) Where, by an order under section two hundred and seventy-six of the said Act of 1875, a rural district council is invested with the powers of an urban authority under the said section one hundred and sixty-one in respect of any area in which subsection (1) of this section has effect, the said subsection (1) shall cease to have effect in that area, and the supplementary provisions set out in subsection (1) of section one hundred and forty-eight and in sections one hundred and fifty and one hundred and fifty-one of the Local Government Act, 1933, shall for the purposes of this section apply in relation to the order as if it were an order made under Part VI of that Act making an alteration of authorities.

(5) Not less than fourteen days notice shall be given of any parish meeting at which it is proposed to adopt subsection (1) of this section, or to transact any business relating to an application to the Minister of Housing and Local Government for his consent to the adoption of that subsection or any other business relating to the adoption of that subsection; and accordingly for the purposes of sub-paragraph (2) of paragraph 2 of Part VI of the Third Schedule to the Local Government Act, 1933 (which provides that fourteen days notice shall be given of a parish meeting at which any business proposed to be transacted relates to the adoption of any of the adoptive Acts, or certain other matters) the expression "the adoptive Acts" shall include the said subsection (1).

(6) Where subsection (1) of this section has effect in part only of a parish, any rate levied to defray expenses incurred under this section shall be charged on that part of the parish only.

PART I
—cont.

(7) Any damages recoverable for damage caused by negligence to any lamp, lamp-post or other thing provided under subsection (1) of this section shall, if the amount of the damages does not exceed twenty pounds, be recoverable summarily as a civil debt.

(8) Any expenditure by a parish council under this section shall be left out of account for the purposes of subsection (3) of section one hundred and ninety-three of the Local Government Act, 1933 (which limits the sums which may be required to be raised in any financial year to meet the expenses of a parish council, other than expenses under the Lighting and Watching Act, 1833, and certain other Acts).

(9) In subsection (1) of section twenty-three of the Road Traffic Act, 1934 (which confers on county councils power to light county roads, notwithstanding any powers to light those roads possessed by a local authority under the Public Health Act, 1875, or the Lighting and Watching Act, 1833), for the words from “ who have ” to “ the Lighting and Watching Act, 1833 ” there shall be substituted the words “ by section three of the Parish Councils Act, 1957 ”.

Power to provide parking places for bicycles and motor-cycles.

4.—(1) Where for the purpose of relieving or preventing congestion of traffic or preserving local amenities it appears to a parish council to be necessary to provide within the parish suitable parking places for bicycles and motor-cycles, the parish council may provide and maintain such parking places in accordance with the provisions of this section, and for that purpose (or for the purpose of providing means of entrance to and egress from any parking place provided under this section) may—

- (a) utilise and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (2) of this section; or
- (b) subject to the provisions of section five of this Act, adapt and by order authorise the use of any part of a road within the parish;

and the power under this subsection to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.

(2) Notwithstanding anything in any other enactment, a parish council may, with the consent of the Minister of Housing and Local Government, appropriate for the purpose of providing a parking place under this section—

- (a) any part of any recreation ground provided or maintained by the council under section eight of the Local Government Act, 1894;

- (b) any part of any open space controlled or maintained by the council under the Open Spaces Act, 1906, other than a part which has been consecrated as a burial ground or in which burials have taken place;
- (c) any part of any land provided by the council as a playing field or for any other purpose under section four of the Physical Training and Recreation Act, 1937:

Provided that any part so appropriated shall not exceed one-eighth of the total area of the recreation ground, open space or land concerned, or eight hundred square feet, whichever is the less.

(3) No order under subsection (1) of this section shall authorise the use of any part of a road as a parking place under this section so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.

(4) Where a parish council propose to purchase or appropriate any land for the purposes of this section, or to make an order under this section authorising the use of any part of a road for those purposes, they shall, before carrying that proposal into effect,—

- (a) cause a notice of the proposal (specifying the land to which it relates) to be published in at least one newspaper circulating within their parish, and a copy of the notice to be posted for not less than fourteen days on the land; and
- (b) consider any objection which is sent to them in writing within such time (not being less than twenty-eight days) after the publication of the notice as may be specified therein, and give notice of their decision on the objection to the person by whom it was made;

and every notice under paragraph (b) of this subsection shall include notice of the right of appeal under subsection (5) of this section.

(5) If any person is aggrieved by any such decision as aforesaid, he may within twenty-one days after notice of the decision is given under subsection (4) of this section appeal therefrom by way of complaint to a magistrates' court, and the court may make such order in the matter as they consider reasonable; and where any person appeals under this subsection he shall give notice of the appeal and of the grounds thereof to the chairman of the parish council by which the decision was made, and nothing shall be done by the parish council to carry into effect the proposal to which that decision relates until the determination or abandonment of the appeal.

(6) A parish council may employ with or without remuneration such persons as may be necessary for the superintendence of parking places provided by the council under this section.

PART 1
—cont.

(7) A parish council may make byelaws (subject to the confirmation of the Secretary of State) as to the use of parking places provided under this section, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any parking place not being part of a road; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.

(8) A parish council may let for use as a parking place any parking place provided by them (not being part of a road) under this section; but (without prejudice to any power of a parish council under any other enactment to let a playing field or other land of which a parking place forms part) no single letting under this subsection shall be for a longer period than seven days.

(9) The exercise by a parish council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.

(10) Any order made under this section may be varied or revoked by any subsequent order made in the like manner.

**Provisions as
to consents
and access.**

5.—(1) A parish council or parish meeting shall not have power by virtue of the foregoing provisions of this Part of this Act to provide any seat, shelter, clock, lamp or lamp post, any other material or apparatus, or any parking place—

- (a) on any land or premises not forming part of a road, or in a position obstructing or interfering with any existing access to any such land or premises, except with the consent of the owner and the occupier of the land or premises; or
- (b) in any road which is not a highway or in any public path, except with the consent of the owner and the occupier of the land over which the road or path runs; or
- (c) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation thereto in the second column of that Table.

TABLE

In any trunk road or any other road maintained by the Minister of Transport and Civil Aviation, or on land abutting on any such road.	The Minister.
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In any road which is a highway (other than a trunk road or a road maintained as aforesaid or a public path) or on land abutting on any such road. The county council.

In any road which is a 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 concerned.

On any bridge carrying a highway over any railway, dock, harbour, 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, dock, harbour, canal or inland navigation undertakers concerned.

(2) Any consent required by paragraph (c) of subsection (1) of this section shall not unreasonably be withheld, but may be given subject to any reasonable conditions, including a condition that the parish council or parish meeting, as the case may be, shall remove any thing to the provision of which the consent relates 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 parish council or parish meeting and a person whose consent is required under paragraph (c) of subsection (1) of this section whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, shall—

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

(b) in any other case be referred to and determined by the Minister of Transport and Civil Aviation, who may cause a local inquiry to be held for the purpose;

and section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to a local inquiry held under this subsection as it applies in relation to such an inquiry held under that Act.

(4) Section six of the Local Government (Miscellaneous Provisions) Act, 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires and other apparatus) shall apply in relation to a parking place (including any structure for use as a parking place) or other thing provided by a parish council or parish meeting under this Part of this Act,

PART I
—cont.

and to the council or meeting by which the parking place or other thing is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section four of that Act.

(5) In this section and in the said section six as they apply in relation to a parking place provided under this Act which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

Supplementary powers.

6.—(1) A parish council or parish meeting may contribute towards—

- (a) the reasonable expenses incurred by any person in doing anything which by virtue of the foregoing provisions of this Act that council or meeting has power to do; and
- (b) the expenses incurred by any other parish council or parish meeting in exercising their powers under any such provision as aforesaid.

(2) Where before the commencement of this Act any parish council or parish meeting have provided anything which, after the said commencement, could be provided by them under any of the foregoing provisions of this Act, or where either before or after the said commencement any other person has provided any such thing, the parish council or parish meeting shall have the like power to maintain that thing as if it had been provided by them under those provisions.

(3) Without prejudice to any other power of combination, a parish council or parish meeting having powers under any of the foregoing provisions of this Act may by agreement combine with any other parish council or parish meeting having the same powers for the purpose of exercising those powers.

Interpretation of Part I.

7. In this Part of this Act except so far as the context otherwise requires—

“ in ” in a context referring to things in a road includes a reference to things under, over, across, along or upon the road;

“ owner ” has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936;

“ public path ” has the meaning assigned to it by section twenty-seven of the National Parks and Access to the Countryside Act, 1949;

“ road ” means any highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a special road (as defined by the Special Roads Act, 1949).

PART II

EXTENSION AND ADAPTATION OF OTHER POWERS

8.—(1) Every parish council shall be a local authority for the purposes of the Open Spaces Act, 1906, whether or not invested with the powers of that Act by the council of the county within which the parish is situate. Powers to be exercisable without reference to county council.

(2) The approval or consent of the county council shall no longer be required for any of the following matters—

- (a) for the incurring by a parish council or parish meeting of any expenditure under the War Memorials (Local Authorities' Powers) Act, 1923;
- (b) by reason that it will involve a loan, for the incurring by a parish council of any other expense or liability; or
- (c) for the borrowing by a parish council of such sums as may be required for any of the purposes mentioned in section one hundred and ninety-five of the Local Government Act, 1933.

9. In the application to England and Wales of section one hundred and thirty of the Local Government Act, 1948 (which empowers certain local authorities to insure against accidents to their members), the expression "local authority" shall include a parish council. Power of parish councils to insure against accidents to members.

10. A parish council may contribute towards the expenses incurred by any other person in maintaining any place of interment in which the remains of inhabitants of the parish are or may be interred. Power to contribute towards expenses of burial grounds.

11.—(1) The trustees or administrators of every parochial charity, other than an ecclesiastical charity, shall deliver a copy of the annual accounts which are required to be prepared by section forty-four of the Charitable Trusts Amendment Act, 1855— Power of parish council to receive charity accounts.

- (a) to the parish council of any parish with which the objects of the charity are identified, or
- (b) to the chairman of the parish meeting of any such parish, where there is no parish council,

who shall present the accounts at the next parish meeting; and the said section forty-four (which, as amended by subsection (6) of section fourteen of the Local Government Act, 1894, requires a copy of such accounts as aforesaid to be delivered to the chairman of the parish meeting in all cases) shall have effect accordingly.

(2) In this section "parochial charity" and "ecclesiastical charity" have the meanings respectively assigned to them by section seventy-five of the Local Government Act, 1894.

PART III

MISCELLANEOUS

Increase in maximum number of parish councillors.

12. The maximum number of parish councillors for each parish, or group of parishes, which may be fixed by the county council shall be increased from fifteen to twenty-one; and accordingly, in subsection (1) of section fifty of the Local Government Act, 1933, for the word "fifteen" there shall be substituted the words "twenty-one".

Expenses.

13. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

Interpretation.

14.—(1) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including this Act.

(2) In this Act "parish", in relation to a common parish council acting for two or more grouped parishes, means those parishes.

Consequential amendments and repeals.

15.—(1) Section one hundred and ninety-three of the Local Government Act, 1933 (which relates to the expenses of parish councils and parish meetings, and limits the sums which may be required to be raised in any financial year to meet those expenses) shall be amended—

(a) by substituting in subsection (3) for the words "(other than expenses under the adoptive Acts or under Part VI of the Local Government Act, 1948)" the words "(other than expenses mentioned in the First Schedule to the Parish Councils Act, 1957)"; and

(b) by adding in subsection (5) after the words "the parish meeting" the words "(other than expenses under the Allotments Acts, 1908 to 1950)".

(2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title and extent.

16.—(1) This Act may be cited as the Parish Councils Act, 1957.

(2) Nothing in this Act extends to Scotland or Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 15.

EXPENSES TO BE LEFT OUT OF ACCOUNT FOR PURPOSES OF
LOCAL GOVERNMENT ACT, 1933, s. 193 (3)

1. Any expenditure under the Burial Acts, 1852 to 1906.
2. Any expenditure under the Public Libraries Acts, 1892 to 1919.
3. Any expenditure incurred in providing or acquiring land for a recreation ground or public walk under subsection (1) of section eight of the Local Government Act, 1894, or in exercising any powers under the said subsection (1) in relation to a recreation ground or public walk provided under that subsection or under the Public Improvements Act, 1860.
4. Any expenditure under the Allotments Acts, 1908 to 1950.
5. Any expenditure under Part VIII of the Public Health Act, 1936.
6. Any expenditure under Part VI of the Local Government Act, 1948.
7. Any expenditure under section three of this Act.

SECOND SCHEDULE

Section 15.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Will. 4. c. 90.	The Lighting and Watching Act, 1833.	The whole Act.
23 & 24 Vict. c. 30.	The Public Improvements Act, 1860	The whole Act.
38 & 39 Vict. c. 55.	The Public Health Act, 1875	Section one hundred and sixty-three.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section seven, in subsection (1), paragraphs (a) and (d).
6 Edw. 7. c. 25	The Open Spaces Act, 1906	In section one, the words from "invested" to the end of the section; in section seven, subsection (3).
13 & 14 Geo. 5. c. 18.	The War Memorials (Local Authorities' Powers) Act, 1923.	In section two, in paragraph (a), the words "and be subject to the approval of the county council".

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2ND SCH.
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Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section one hundred and ninety-three, in subsection (4), the words "and the approval of the county council"; in section one hundred and ninety-five, the words "and of the county council" in both places where those words occur; and in section three hundred and five, in the definition of "The Adoptive Acts" the words "The Lighting and Watching Act, 1833" and the words "The Public Improvements Act, 1860".
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936	In section two hundred and thirty, subsection (2).
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section one hundred and fourteen, subsection (5).
14 Geo. 6. c. 31	The Allotments Act, 1950...	In section eleven, subsection (2).



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lighting and Watching Act, 1833	3 & 4 Will. 4. c. 90.
Charitable Trusts Amendment Act, 1855	18 & 19 Vict. c. 124.
Public Improvements Act, 1860	23 & 24 Vict. c. 30.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Local Government Act, 1894	56 & 57 Vict. c. 73.
Open Spaces Act, 1906	6 Edw. 7. c. 25.
War Memorials (Local Authorities' Powers) Act, 1923	13 & 14 Geo. 5. c. 18.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Road Traffic Act, 1934	24 & 25 Geo. 5. c. 50.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Physical Training and Recreation Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 46.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
National Parks and Access to the Country- side Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Local Government (Miscellaneous Provi- sions) Act, 1953	1 & 2 Eliz. 2. c. 26.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act, 1956...	4 & 5 Eliz. 2. c. 60.

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