



Housing Act 1957

1957 CHAPTER 56

PART VIII

SUPPLEMENTAL

188 Powers of Act to be cumulative

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within their jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

189 Interpretation

(1) In this Act, unless the context otherwise requires—

" apparatus " means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps ;

" building byelaws " includes byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, or section sixty-one of the Public Health Act, 1936, with respect to new buildings, including the drainage thereof, and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets, and any byelaws made with respect to such matters under any such local Act;

" contributory place " has the same meaning as in the Public Health Act, 1936 ;

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" development corporation " means a development corporation established under the New Towns Act, 1946 ;

" fit for human habitation " has the meaning assigned to it by sections four and five of this Act;

" house " includes—

- (a) any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith, and
- (b) for the purposes of any provisions of this Act relating to the provision of housing accommodation, any part of a building which is occupied or intended to be occupied as a separate dwelling ;

" housing association " means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses, being a society, body of trustees or company who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital ;

" housing trust " means a corporation or body of persons which by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto ;

" land " includes any right over land ;

" local government elector " has the meaning assigned to it by subparagraph (1) of paragraph 1 of the Eighth Schedule to the Representation of the People Act, 1949, as amended by the Electoral Registers Act, 1953 ;

" official representation " has the meaning assigned to it by section one hundred and fifty-seven of this Act;

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

" owner ", in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years;

" the Rent Acts " means the Increase of Rent and Mortgage Interest Restrictions Acts, 1920 to 1939 ;

" statutory undertakers " means any persons authorised by any enactment or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

" street " includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not.

- (2) In this Act references to a local authority where not limited by the context to references to the local authority for the purposes of this Act or of any enactment in this Act or of any other enactment relating to housing, unless the context otherwise requires include references to the Common Council of the City of London, the London County Council, a metropolitan borough council and the council of a borough, urban district or rural district.

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- (3) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any other enactment.

190 Consequential amendments

The enactments mentioned in the Tenth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

191 Repeal and savings

- (1) The enactments set out in the Eleventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeals made by this section shall not affect any order, byelaw, regulation or plan made, charge effected, undertaking, notice, approval, certificate, direction or determination given, or other thing done before the commencement of this Act, but any order, byelaw, regulation, plan, charge, undertaking, notice, approval, certificate, direction, determination or thing made, effected, given or done, or having effect as if made, effected, given or done, under any enactment repealed by this section shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given or done under this Act, have effect as if made, effected, given or done under the corresponding provision of this Act.
- (3) Any person who at the commencement of this Act holds office or acts or serves under or by virtue of any enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed under this Act.
- (4) Any enactment or document referring to any enactment repealed by this Act, by the Housing Act, 1936, or by the Housing Act, 1925, shall be construed as referring to the corresponding provision of this Act.
- (5) For the purposes of subsection (3) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952 (which provides that rules under that section may amend or repeal any enactment passed before the sixteenth day of December, nineteen hundred and forty-nine so far as it relates to matters about which such rules may be made), this Act shall be treated as if it had been passed before that date.
- (6) The provisions of this section shall be without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, as to the effect of repeals.

192 Construction of references to this Act and to enactments repealed

Without prejudice to subsection (2) of the last foregoing section, any reference in any provision of this Act to, or to things done or falling to be done under, any provision of this Act shall, if and so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding provision in the enactments repealed by this Act, by the Housing Act, 1936, or by the Housing Act, 1925, has or had effect, a reference to, or to things done or falling to be done under, that corresponding provision.

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193 Short title, commencement and extent

- (1) This Act may be cited as the Housing Act, 1957.
- (2) This Act shall come into force on the first day of September, nineteen hundred and fifty-seven.
- (3) This Act shall not extend to Scotland or Northern Ireland.