



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

#### *Financial provisions*

#### **28 Funds of local authorities etc.**

- <sup>F1</sup>(1) .....
- <sup>F1</sup>(2) .....
- <sup>F2</sup>(3) .....

#### **Textual Amendments**

- F1** S. 28(1)(2) repealed (with savings in 1990/431, Sch. 1 para. 1(a) ) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1, 2\), s. 194\(2\), Sch. 12 Pt. I](#)
- F2** S. 28(3) repealed (with savings in S.I. 1990/431, [Sch. 1 para. 1\(a\)](#) ) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 194\(2\), Sch. 12 Pt. I](#)

#### **29 Repayment of unclaimed compensation etc. paid into court.**

(1) Where—

- (a) a local authority has paid money into court in pursuance of section 76 or 85 of the <sup>M1</sup>Lands Clauses Consolidation Act 1845 or section 9 of or Schedule 2 <sup>F3</sup>... to the <sup>M2</sup>Compulsory Purchase Act 1965; and
- (b) after the expiration of the period of twelve years beginning with the date when the money was paid into court any of the money, or any assets attributable

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to the money by way of interest, securities, accumulations from securities, proceeds of sale of securities or otherwise, has not or have not been ordered by a court of competent jurisdiction to be paid or transferred to or applied for the benefit of the authority or another person,

the High Court may, on the application of the authority, order that the money or assets shall be paid or transferred to the authority.

- (2) Where at any time after money has been paid or assets have been transferred to a local authority in pursuance of the preceding subsection it appears to the High Court, on the application of another person, that the Court would have ordered the whole or part of the money or assets to be paid or transferred to the applicant if the money or assets had not been paid or transferred to the authority as aforesaid, the Court may order the authority to pay to the applicant such a sum as the Court considers just.
- (3) If a former authority paid money into court as mentioned in subsection (1)(a) of this section in respect of land or an interest in land which—
- (a) is held by a local authority; and
  - (b) has not since its acquisition by the former authority been transferred otherwise than by an Act or an order made under an Act,

subsection (1) of this section shall have effect in relation to the payment as if it had been made by the local authority on the date on which it was actually made; and in this subsection “former authority” means an authority which has ceased to exist and which, when it existed, was constituted in pursuance of the enactments relating to local government which were then in force.

[<sup>F4</sup>(4) For the purposes of the preceding subsection—

- (a) any land held by a parish council shall be treated as held by the district council whose area includes the area of the parish council, and
- (b) any land held by a community council shall be treated as held by the county or county borough council whose area includes the area of the community council.]

#### Textual Amendments

- F3** Words in s. 29(1)(a) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 16 para. 14](#); S.I. 2016/733, reg. 3(j)
- F4** S. 29(4)(a)(b) substituted for subsection (4) (7.1.1997) by S.I. 1996/3071, art. 2, [Sch.](#)

#### Modifications etc. (not altering text)

- C1** Power to apply s. 29 conferred (1.9.1997) by 1997 c. 50, s. 44(1), [Sch. 4](#) para. (c)(i); S.I. 1997/1930, [art. 2\(2\)\(m\)](#)
- C2** S. 29 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), [Sch. 8 para. 1\(2\)\(d\)\(4\)](#) (with ss. 7(6), 115, 117, [Sch. 8](#) para. 7)
- C3** S. 29 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010](#) (S.I. 2010/1216), arts. 1(1), 4, [Sch.](#)
- C4** S. 29 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010](#) (S.I. 2010/1217), arts. 1(1), 4, [Sch.](#)
- C5** S. 29(1) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017](#) (S.I. 2017/470), art. 1(2), [Sch. 1 para. 4\(2\)](#)

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### Marginal Citations

**M1** 1845 c. 18.

**M2** 1965 c. 56.

## 30 Power to forgo repayment of advances of remuneration paid to deceased employees.

- (1) If a person in the employment of a local authority—
- (a) receives from the authority remuneration in respect of a future period on the assumption that he will be employed in that employment throughout that period; and
  - (b) dies before the expiration of that period,
- the authority may, subject to the following subsection, forgo the repayment of so much of the remuneration as relates to the period after his death.
- (2) An authority shall not be entitled to forgo such a repayment in respect of a period after the relevant death if—
- (a) a pension is payable for that period in respect of the deceased out of money provided by Parliament or out of a fund which is maintained by the authority or into which contributions have been paid by the authority in respect of service of the deceased; and
  - (b) the rate of the pension is not less than the rate of relevant remuneration which was received by the deceased for his last year of service in the employment in question or, if relevant remuneration at different rates was received by him for that year, is not less than the highest of those rates;
- and in paragraph (b) of this subsection “relevant remuneration”, in relation to a deceased person and a year, means remuneration which would have fallen to be taken into account in respect of that year in calculating a retirement pension payable to him in respect of the employment in question on his attaining pensionable age and being granted such a retirement pension.
- [<sup>F5</sup>(3) For the purposes of this section—
- (a) the cases in which a person is in the employment of a local authority are to be taken to include cases where a person is a member of a police force maintained by a local authority; and
  - (b) in such cases, references to employment are to be construed accordingly.]

### Textual Amendments

**F5** S. 30(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 126](#); S.I. 2011/3019, art. 3, Sch. 1

### Modifications etc. (not altering text)

- C6** S. 30 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 13\(g\)](#)
- C7** S. 30 extended (5.7.1994) by [1994 c. 19](#), s. 39, [Sch. 13 para. 20\(f\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras 22(1), 23(2))
- S. 30 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C8** S. 30: power to apply conferred (1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4 para. \(c\)\(ii\)](#); S.I. 1997/1930, [art. 2\(2\)\(m\)](#)

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- C9** S. 30 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**  
S. 30 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C10** S. 30(3)(a) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 4(3)**

### **31 Indemnities for officers of local authorities appointed as receivers or administrators.**

If an officer of a local authority is appointed [<sup>F6</sup>as a deputy for a person by the Court of Protection] or, on the nomination of the authority, as the administrator of the estate of a deceased person, the authority may pay to the officer any sum which he becomes liable to pay in consequence of the appointment and may pay the premiums in respect of any policy of insurance for indemnifying the officer from the consequences of any act or omission connected with the appointment which occurs while he holds the appointment.

#### **Textual Amendments**

- F6** Words in s. 31 substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)(3), **Sch. 6 para. 23** (with ss. 27-29, 62); S.I. 2007/1897, **art. 2(1)(d)**

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