



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Miscellaneous

32 Power of local authorities to execute works outside their areas.

Any power to execute works which is conferred on a local authority by any enactment may, unless the contrary intention appears in that or any other enactment, be exercised outside as well as inside the area of the authority.

Modifications etc. (not altering text)

- C1** S. 32: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8(1)(3), [Sch.2](#)
S. 32 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2)(3), [Sch.2](#)
S. 32: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8(1)(3), [Sch.2](#)
S. 32 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2)(3), [Sch.2](#)
- C2** S. 32: power to transfer functions conferred by [Public Health \(Control of Disease\) Act 1984](#) (c. 22, SIF 100:1), [ss. 3\(2\)\(c\)\(ii\)](#), 79

33 Restoration or continuation of supply of water, gas or electricity.

- (1) If any premises in the area of a district council, a London borough council or the Common Council [^{F1}, or a county or county borough council in Wales] are occupied as a dwelling and the supply of water, gas or electricity to the premises—
- (a) is cut off in consequence of the failure of the owner or former owner of the premises to pay a sum payable by him in connection with the supply; or

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Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Miscellaneous. (See end of Document for details)

- (b) is in the opinion of the council likely to be cut off in consequence of such a failure,
- the council may, at the request in writing of the occupier of the premises, make such arrangements as it thinks fit with the [^{F2}person]who provided the supply for it to be restored to the premises or, as the case may be, for it to be continued to the premises.
- (2) Where under arrangements made in pursuance of the preceding subsection in respect of any premises a council makes a payment in respect of a sum which, at the time when the relevant supply to the premises was or became likely to be cut off as mentioned in that subsection, a person was liable to pay in connection with the supply to the [^{F2}person]who provided it, the council shall be entitled to demand and recover from that person a sum equal to the payment; and where under such arrangements a council makes a payment in respect of the restoration of a supply to any premises or a payment for a supply to any premises, the council shall be entitled to demand and recover from the owner of the premises a sum equal to the payment reduced by any amount received by the council in pursuance of subsection (4) of this section in respect of the payment.
- (3) A council by which a sum is recoverable from a person in pursuance of the preceding subsection shall also be entitled to recover from him interest on the sum, from the date of service of the demand for the sum, at [^{F3}such reasonable rate as the council may determine]; and such a demand must—
- (a) be served on the recipient in writing; and
 - (b) give particulars of the payment to which the sum demanded relates; and
 - (c) in the case of a demand for a sum on which interest is payable by virtue of this subsection, state the rate of the interest and that interest is payable from the date aforesaid.
- (4) Where by virtue of the preceding provisions of this section a council is entitled to recover from the owner of any premises a sum on account of a payment in respect of the restoration or continuation of a supply to the premises or a payment for a supply to the premises or interest on such a sum [^{F4}the sum so recoverable, together with any interest accrued due, shall, until recovered, be a charge on the premises concerned and if]—
- (a) the owner of the premises is, under the terms on which a person occupies the premises, required to pay for a supply of the kind to which that sum relates; and
 - (b) the council has served a notice on that person requiring him to pay to the council, instead of to the owner of the premises, the rent for the premises which apart from this subsection is or becomes payable by him to the owner of the premises,

it shall be the duty of that person to comply with the notice except so far as the council directs otherwise and the council may accordingly recover from him from time to time sums equal to the rent in question.

- [^{F5}(4A) A charge under subsection (4) above takes effect from the date when the council makes the payment referred to in that subsection and, for the purposes of enforcing a charge,
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- (a) the council shall have the same powers and remedies, under the Law of Property Act 1925 and otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and, subject to paragraph (b) below, of appointing a receiver; and

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(b) the power to appoint a receiver shall be exercisable at any time after the expiry of one month from the date when the charge takes effect.]

(5) In this section “the owner”, in relation to any premises, means a person who apart from the preceding subsection is entitled on his own behalf or as a trustee or agent for another person to rent for the premises from the occupier of the premises and “former owner”, in relation to any premises, means a person who was so entitled to rent for the premises from the occupier or former occupier of the premises.

Textual Amendments

- F1** Words in s. 33(1) inserted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. para. 1(5)**
- F2** Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 24**
- F3** Words substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(6), **Sch. 6 para. 21**
- F4** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), **Sch. 11 para. 47**
- F5** S. 33(4A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), **Sch. 11 para. 47**

^{F6}34

Textual Amendments

- F6** S. 34 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

35 Removal of obstructions from private sewers.

- (1) If a private sewer is obstructed at a point within the area of a local authority (other than a county council [^{F7}in England]. . .), the authority may serve on each of the persons who is an owner or occupier of premises served by the sewer, or on each of such of those persons as the authority thinks fit, a notice requiring the recipients of notices in pursuance of this subsection in respect of the obstruction to remove it before a time specified in the notice; and that time shall not be earlier than forty-eight hours after the service of the notice or, if different notices in respect of the same obstruction are served in pursuance of this subsection at different times, shall not be earlier than forty-eight hours after the latest of those times.
- (2) If an obstruction in respect of which notices have been served by an authority in pursuance of the preceding subsection is not removed within the period specified in the notices, the authority may remove it.
- (3) Where an authority has reasonably incurred expenses in removing an obstruction in pursuance of the preceding subsection, the authority may serve on each of the persons on whom it served notice in pursuance of subsection (1) of this section in respect of the obstruction a further notice—
 - (a) requiring him to pay to the authority a sum equal to so much of the expenses as is specified in the further notice; and

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- (b) specifying the other persons on whom notices in pursuance of this subsection have been or are to be served in respect of the expenses and the amount specified or to be specified in each of those notices;

and it shall be the duty of the authority, in determining what amounts to specify in notices to be served by the authority in pursuance of this subsection in respect of any expenses, to have regard to any matters which appear to the authority to indicate the cause of the obstruction and, so far as the authority are aware of the obligations, to any obligations to remove the obstruction which arose under agreements between persons on whom the notices are to be served.

- (4) A person on whom a notice is served in pursuance of the preceding subsection may, within the period of six weeks beginning with the date of service of the notice, appeal to the county court against the notice on the ground that it would be reasonable for the whole or part of the sum specified in the notice to be paid by some other person who is an owner or occupier of premises served by the sewer in question.
- (5) On an appeal in pursuance of the preceding subsection against a notice the court shall either dismiss the appeal or order that the whole or part of the sum specified in the notice shall be paid to the authority which served the notice by—
- (a) a person, other than the appellant, who is an owner or occupier of premises served by the sewer in question; or
- (b) persons, other than the appellant, each of whom is such an owner or occupier, in such proportions as are specified in the order,

and that the sum specified in the notice shall be reduced accordingly; but the court shall not order any payment by a person other than the appellant unless that person has, not later than the beginning of the period of eight days ending with that on which the hearing of the appeal is begun, been made a respondent to the appeal in accordance with rules of court.

- (6) Where a local authority has served a notice on a person in pursuance of subsection (3) of this section, then—
- (a) if the person has not appealed against the notice in pursuance of subsection (4) of this section within the period specified in that subsection, the authority shall be entitled after the expiration of that period to recover from him the sum specified in the notice; and
- (b) if he has so appealed within that period and the court has not reduced to nil the sum specified in the notice, the authority shall be entitled after the determination of the appeal to recover from him the sum specified in the notice or, if the court has reduced that sum to a smaller sum, the smaller sum.
- (7) Expressions used in this section and in Part II of the ^{M1}Public Health Act 1936 have the same meanings in this section as in that Part; and sections 287 and 288 of that Act (which confer power to enter premises and penalise obstruction) shall have effect as if references to that Act included references to this section.

Textual Amendments

F7 Words in s. 35(1) inserted (7.1.1997) by S.I. 1996/3071, art. 2, Sch. para. 1(6)

Marginal Citations

M1 1936 c. 49.

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Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Miscellaneous. (See end of Document for details)

36 Power of local authorities to appoint times and charges for markets.

- (1) Any provision of a local Act which confers power on a local authority to make byelaws appointing days on which or the hours during which markets or fairs are to be or may be held shall be construed as conferring on the authority a power to appoint such days or hours by resolution.
- (2) A local authority which maintains a market in pursuance of a local Act may, notwithstanding anything in any enactment relating to the market, make in connection with the market such charges as the authority determines from time to time.

^{F8}37 Control of parking on areas used for loading or unloading goods vehicles.

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Textual Amendments

F8 S. 37 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 14**

38 Use of spare capacity of computers of local authorities.

- (1) If a local authority—
 - (a) has provided a computer for the purpose of enabling the authority to perform any of its functions other than functions under this section; and
 - (b) considers that the computer can, without detriment to its use for that purpose, be used for the benefit of the authority in pursuance of the following provisions of this section,
the authority may enter into agreements with other persons for the provision by the authority of facilities for using the computer or of services provided by means of the computer.
- (2) An agreement in pursuance of this section may contain such terms as to payment or otherwise as the parties consider appropriate; and it shall be the duty of a local authority, in settling the terms of such an agreement, to ensure that they are terms on which the authority considers that a person other than a local authority could reasonably be expected to provide the facilities or services in question.
- (3) In this section “computer” means any device for storing and processing information.

Modifications etc. (not altering text)

- C3** S. 38 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 13(g)**
- C4** S. 38 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. 38 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C5** S. 38: power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (c)(iii)**; S.I. 1997/1930, **art. 2(2)(m)**
- C6** S. 38 modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 29(2)**
S. 38 modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 29(2)**

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39 Protection of members and officers etc. of local authorities from personal liability.

- (1) Section 265 of the ^{M2}Public Health Act 1875 (which relates to the protection from personal liability of members and officers of certain authorities) shall have effect ^{F9} . . . as if any reference to those authorities and the first reference to that Act included respectively a reference to a local authority and to any other public general Act and any local Act and as if the reference to the general purposes of that Act included a reference to the purposes of the other public general Act or the local Act in question.
- (2) A person who is appointed as a member of a committee of a local authority or a joint committee of two or more local authorities by virtue of subsection (3) or (4) of section 102 of the ^{M3}Local Government Act 1972 (which authorises among other things the appointment to such a committee of a person who is not a member of a relevant authority) shall, if he is not a member of the authority which appointed him, be treated as such a member for the purposes of the said section 265 as modified by the preceding subsection.

Textual Amendments

F9 Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1, 2\), s. 38\(5\), Sch. 6 Pt. IV](#)

Modifications etc. (not altering text)

C7 [S. 39](#) applied (with modifications) (8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. I](#)

C8 Power to apply s. 39 conferred (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4](#) para. (c)(iv); [S.I. 1997/1930, art. 2\(2\)\(m\)](#)

Marginal Citations

M2 [1875 c. 55.](#)

M3 [1972 c. 70.](#)

40 Local authorities not affected by trusts attaching to certain securities issued by them.

- (1) Where a local authority maintains in pursuance of any enactment a register of persons entitled to instruments which have been issued as evidence of or as security for any loan made to the authority, the officer [^{F10}or other person] who keeps the register on behalf of the authority (hereafter in this section referred to as “the registrar”) may if he thinks fit enter in the register as the description of a person so entitled a description specified by that person which may be a description of him as a trustee of a particular trust or a trustee without specifying a trust or any other description indicating the capacity in which he is entitled to such an instrument.
- (2) Where a person entitled to such an instrument holds an office or official position, the registrar may if he thinks fit, at the request of that person either before or after his name is entered in the register in connection with the instrument, enter in the register, instead of the person’s name, a description of him as the holder of the office or position; and where such a description is entered in the register any transfer of an instrument to which the description relates may be executed by, and any payment of interest or repayment of principal in connection with such an instrument may be made to, the holder for the time being of the office or position.

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- (3) No notice of any trust shall be entered in the register or given to the registrar except as authorised by the preceding provisions of this section; and, notwithstanding anything in the terms of an entry in the register, neither the authority which maintains it nor the registrar shall be affected by notice of any trust relating to an instrument issued as aforesaid nor required to enquire about the propriety of anything done in connection with such an instrument.
- (4) References to a register in the preceding provisions of this section do not include a register maintained in pursuance of regulations made by virtue of paragraph 4 of Schedule 13 to the ^{M4}Local Government Act 1972 (which relates to certain mortgages, stocks and bonds).

Textual Amendments

F10 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), **Sch. 11 para. 48**

Marginal Citations

M4 [1972 c. 70.](#)

41 Evidence of resolutions and minutes of proceedings etc.

- (1) A document which—
- (a) purports to be a copy of—
 - (i) a resolution, order or report of a local authority or a precursor of a local authority, or
 - (ii) the minutes of the proceedings at a meeting of a local authority or a precursor of a local authority; and
 - (b) bears a certificate purporting to be signed by the proper officer of the authority or a person authorised in that behalf by him or the authority and stating that the resolution was passed or the order or report was made by the authority or precursor on a date specified in the certificate or, as the case may be, that the minutes were signed in accordance with paragraph 41 of Schedule 12 to the ^{M5}Local Government Act 1972 or the corresponding provision specified in the certificate of the enactments relating to local government which were in force when the minutes were signed,
- shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the resolution, order, report or minutes in question.
- (2) In the preceding subsection references to a local authority, except the first and second references in paragraph (b), include references to a committee of a local authority and a sub-committee of such a committee and references to a precursor of a local authority include references to a committee of such a precursor and a sub-committee of such a committee.
- (3) A document which—
- (a) purports to be a copy of an instrument by which the proper officer of a local authority appointed a person to be an officer of the authority or authorised a person to perform functions specified in the instrument; and

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- (b) bears a certificate purporting to be signed as mentioned in subsection (1)(b) of this section and stating that the document is a copy of the instrument in question,

shall be evidence in any proceedings of the fact that the instrument was made by the said proper officer and of the terms of the instrument.

- (4) In the preceding provisions of this section “precursor”, in relation to a local authority, means any authority which has ceased to exist but which when it existed was constituted, in pursuance of the enactments relating to local government which were then in force, for an area any part of which is included in the area of the local authority.

Modifications etc. (not altering text)

- C9** S. 41 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. 41 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C10** Power to apply s. 41 conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4** para. (c)(v); S.I. 1997/1930, **art. 2(2)(m)**
- C11** S. 41: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), **Sch.2**
S. 41 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch.2**
S. 41: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch.2**
S. 41 modified (10.1.1992) by S.I. 1991/2913, art. 8(2)(3), **Sch.2**
- C12** S. 41: power to transfer functions conferred by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), **ss. 3(2)(c)(iii)**, 79
- C13** S. 41 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(g)**

Marginal Citations

- M5** 1972 c. 70.

42 Certain future local Acts etc. to be subject to the planning enactments etc. except as otherwise provided.

- (1) An Act or order to which this section applies shall have effect subject to—
- (a) the provisions of the enactments relating to town and country planning;
 - (b) the provisions of the enactments relating to historic buildings and ancient monuments;
 - ^{F11}(c) and
 - [^{F12}(d) Part II of the Food and Environment Protection Act 1985 (which relates to deposits in the sea).]
- except so far as the Act or order expressly provides otherwise.
- (2) This section applies to an Act or order which is—
- (a) a local Act passed after or in the same Session as this Act;
 - (b) a provisional order confirmed by an Act so passed; or
 - (c) an order which is made in the exercise of powers conferred by an Act and comes into force after the passing of this Act or in the same Session as this Act, and which authorises the carrying out on land specified in the Act or order of works of a kind so specified.

Status: Point in time view as at 01/04/1998.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Miscellaneous. (See end of Document for details)

Textual Amendments

- F11** S. 42(1)(c) repealed by [Ports \(Finance\) Act 1985 \(c. 30, SIF 58\)](#), s. 6(2), **Sch.**
- F12** S. 42(1)(d) substituted by [Food and Environment Protection Act 1985 \(c. 48, SIF 111\)](#), **Pt. II**, s. 15(6)

Modifications etc. (not altering text)

- C14** S. 42 excluded (28.11.1991) by [London Underground \(Safety Measures\) Act 1991 \(c. xviii\)](#), s. **33(1)**
S. 42 excluded (16.3.1992) by [London Underground Act 1992 \(c. iii\)](#), s. **16(1)**
- C15** S. 42 restricted (27.5.1993) by 1993, c. vii, s. 16(1)
S. 42 restricted (1.7.1993) by 1993, c. ix, s. 11(1)
- C16** S. 42 applied (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), **9(6)**
- C17** S. 42 restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, Sch. 19 Pt. 1 para. 8

^{F13} **43**

Textual Amendments

- F13** S. 43 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7Pt. XVI**

Status:

Point in time view as at 01/04/1998.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Miscellaneous.