



Local Government Act 1948

1948 CHAPTER 26 11 and 12 Geo 6

PART VIII **E+W+S**

GENERAL

140 **Compensation to officers.** **E+W+S**

- (1) The Minister shall by regulations provide for the payment by the appropriate authority, subject to such exceptions or conditions as may be specified in the regulations, of compensation to persons who are, or who, but for any war service in which they have been engaged, would be, officers or servants of any rating authority, any joint committee of rating authorities, any assessment committee, any county valuation committee, any council of a county, the quarter sessions for the County of London, . . .^{F1} who suffer loss of employment or loss or diminution of emoluments which is attributable to the coming into force of any Part of this Act.
- (2) Any such regulations may include provision as to the manner in which and the persons to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (3) The appropriate authority referred to in subsection (1) of this section is—
 - (a) in the case of officers or servants of a rating authority, the rating authority;
 - (b) in the case of officers or servants of a joint committee of rating authorities, all the rating authorities represented on that committee in proportion to the rateable values of their rating areas on the thirty-first day of March, nineteen hundred and forty-eight;
 - (c) in the case of officers or servants of an assessment committee, the rating authority for the assessment area of that committee, or, where the assessment area consists of more than one rating area, all the rating authorities in that assessment area in proportion to the rateable values of their rating areas on the thirty-first day of March, nineteen hundred and forty-eight;
 - (d) in the case of officers or servants of a council of a county or of a county valuation committee, the council of the county;

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(e) in the case of officers or servants of the quarter sessions for the County of London, the London County Council; . . . ^{F2}

(f) . . . ^{F3}

(4) In this section, the expression “war service” means service in any of His Majesty’s forces and such other employment as may be prescribed by regulations of the Minister.

Textual Amendments
F1 Words repealed by [Local Government Act 1958 \(c. 55\)](#), [Sch. 9 Pt. V](#) and [Pensions \(Increase\) Act 1971 \(c. 56\)](#), [Sch. 8 Pt. I](#)
F2 Word repealed by [Pensions \(Increase\) Act 1971 \(c. 56\)](#), [Sch. 8 Pt. I](#)
F3 [S. 140\(3\)\(f\)](#) repealed by [Pensions \(Increase\) Act 1971 \(c. 56\)](#), [Sch. 18 Pt. I](#)

141 ^{F4} **E+W+S**

Textual Amendments
F4 [Ss. 1–16, 141](#) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), [Sch. Pt. VIII](#)

142 **Provisions as to statutory instruments under this Act.** **E+W+S**

(1) Any power to make regulations conferred by this Act shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament:

Provided that this subsection shall not apply where, under any of the preceding provisions of this Act, a power to make regulations is expressed to be exercisable by statutory instrument and either—

- (a) the instrument is required to be laid before Parliament after it is made; or
- (b) a draft of the instrument is required to be laid before Parliament.

(2) Any power to make orders conferred by this Act shall be exercisable by statutory instrument.

143 ^{F5} **E+W+S**

Textual Amendments
F5 [S. 143](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XII](#)

144 **Interpretation.** **E+W+S**

(1) In this Act, except so far as the contrary is expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“Minister” means [^{F6}the Secretary of State];

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“local authority” means the council of a county, county borough, [^{F7}London borough] or [^{F8}district], or the Common Council of the City of London;

“year” means a period of twelve months beginning with the first day of April;

“rating area”, “rate”, “owner”, “hereditament” and “clerk” have . . . ^{F9} the meanings assigned to them by [^{F10}section one hundred and fifteen of the ^{M1}General Rate Act 1967];

[^{F11}“garden” includes a park;]

“railway” includes a light railway and a tramway authorised to be constructed by any special Act, other than a light railway or tramway laid wholly or mainly along a public [^{F12}highway][^{F12}road]and used wholly or mainly for the carriage of passengers;

“inland waterway” includes any such waterway, whether natural or artificial;

“statutory provision” means a provision, whether of a general or special nature, contained in, or in any document made or issued under, any Act, whether of a general or special nature.

- (2) ^{F13}
- (3) Any reference in this Act to the product of a rate of a specified sum in the pound for any area shall be construed as a reference to the aggregate of the product of a rate of one penny in the pound for all the rating areas within the area multiplied by the number of pence in the said sum.
- (4) The product of a rate of one penny in the pound for a rating area shall, for the purposes of this Act, be taken to be the product of a penny rate for that area as ascertained or estimated for the purpose of subsection (2) of section nine of the Rating and Valuation Act, 1925:
Provided that—
- (a) in the case of an area in London, the product of a penny rate for the area shall, as respects years as respects which the said subsection (2) does not extend to London, be taken to be the product of a penny rate for the area as ascertained or estimated by the district auditor in accordance with the principles for the time being applicable outside London to the ascertainment and estimation of the product of a penny rate for the purposes of the said section nine ;
- (b) nothing in this subsection detracts from the provisions of this Act enabling the Minister to make regulations as respects the way in which payments for the benefit of local authorities under Part V of this Act are to be treated.
- (5) Any reference in this Act to the aggregate gross charge to rates for any year for any area shall be construed as a reference to the total of the amounts required to be paid by virtue of all the rates made by all the authorities in the area for the year or any part thereof, calculated as if, in the case of each hereditament, the amount payable were that ascertained by applying the poundage of the rate to the rateable value of the hereditament, without any allowance or deduction.
- (6) In this Act, the expression 1947-48 means the year ending on the thirty-first day of March, nineteen hundred and forty-eight, and any corresponding expression in which two years are similarly mentioned means the year ending on the thirty-first day of March in the second mentioned of those two years.

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- (7) In this Act, the expression “the North of Scotland District” means, as respects any period up to and including the vesting date within the meaning of the ^{M2}Electricity Act 1947, the North of Scotland District as existing on that date for the purposes of that Act, and, as respects any subsequent period, means that District as for the time being existing for the purposes of that Act.
- (8) Any references in this Act to a local authority in a county shall be construed as including only local authorities whose areas form part of the county.
- [^{F14}(9) Any reference in this Act to the alteration of a valuation list or draft valuation list includes a reference to the insertion in the list or draft list or the omission from the list or draft list of any hereditament, and references to the alteration of the valuation list with respect to a hereditament shall be construed accordingly.]
- (10) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

Textual Amendments

- F6** Words substituted by virtue of [S.I. 1951/142](#) (1951 I, p. 1348), arts. 3, 5(2) Sch. 1 Pt. I, 1951/1900 (1951I, p. 1347), art. 1 and 1970/1681, arts. 2(i), 6(3)
- F7** Words substituted by [London Government Act 1963 \(c. 33\)](#), [Sch. 15 para. 21](#)
- F8** Word substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 179\(3\)](#)
- F9** Words repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)
- F10** Words substituted by virtue of [General Rate Act 1967 \(c. 9\)](#), [s. 116\(6\)](#)
- F11** Definition repealed (E.W.) by [Local Government Act 1958 \(c. 55\)](#), [Sch. 9 Pt. V](#)
- F12** Word “road” substituted (S.) for “highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(1\)](#), [Sch. 9 para. 36](#)
- F13** [Ss. 128, 144\(2\)](#) repealed by [Local Government Act 1958 \(c. 55\)](#), [s. 67](#), [Sch. 9 Pt. II](#)
- F14** [S. 144\(9\)](#) repealed (E.W.) by [General Rate Act 1967 \(c. 9\)](#), [Sch. 14](#)

Modifications etc. (not altering text)

- C1** [S. 144\(3\)\(4\)\(8\)](#) repealed in relation to Pt. V of this Act by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [s. 122](#), [Sch. 9 para. 38](#); THE TEXT OF THESE SUBSECTIONS IS IN THE FORM IN WHICH IT WAS ORIGINALLY ENACTED: IT WAS NOT REPRODUCED IN STATUTES IN FORCE AND, EXCEPT AS SPECIFIED, DOES NOT REFLECT ANY AMENDMENTS OR REPEALS WHICH MAY HAVE BEEN MADE PRIOR TO 1.2.1991.

Marginal Citations

- M1** [1967 c. 9](#).
- M2** [1947 c. 54](#).

145 Application to Scotland. **E+W+S**

- (1) This Act in its application to Scotland shall have effect subject to the modifications specified in this section.
- (2) The following expressions shall, except so far as the contrary is expressly provided or the context otherwise requires, have the meanings hereby assigned to them, that is to say—

F15

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1948, Part VIII. (See end of Document for details)

[^{F16}“local authority” means a [^{F17}council constituted under section 2 of the Local Government Etc. (Scotland) 1994];]

[^{F18}“rate” has the same meaning as in the ^{M3}Local Government (Scotland) Act 1947, but except in Part V of this Act, does not include a rate levied as a domestic water rate;]

[^{F18}“rate” means the non-domestic rate and, for the purposes of Part V of this Act, includes the non-domestic water rate and the non-domestic sewerage rate;]

“rating authority” has the like meaning as in Part XI of the ^{M4}Local Government (Scotland) Act 1947.

(3) For any reference to a valuation list there shall be substituted a reference to a valuation roll; for any reference to rates made there shall be substituted a reference to rates levied; for any reference to a hereditament there shall be substituted a reference to lands and heritages within the meaning of the ^{M5}Lands Valuation (Scotland) Act 1854; and for references to the thirty-first day of March and to the first day of April there shall (except in relation to the abolition of the authorities created by the ^{M6}Railways (Valuation for Rating) Act 1930) be respectively substituted references to the fifteenth and to the sixteenth days of May.

(4) ^{F19}, any reference to the rateable value for an area for a year shall be construed as a reference to the rateable value shown in the valuation roll for that area in force on the first day of that year or, if the area comprises more than one area for valuation purposes, to the total of the rateable values shown in the roll in force as aforesaid for any part of the area.

(5) The product of a rate of a specified sum in the pound for any area shall be the amount bearing the same proportion to the product of the rate for the area in question as the specified sum bears to the amount in the pound of the rate levied in that area.

For the purposes of this subsection—

- (a) the product of a rate for an area for any year shall be deemed to be the amount actually realised during that year by the collection of the rate in that area; and
- (b) where two or more parts of an area are differentially rated the product of a rate of a specified sum in the pound shall be separately ascertained for each part thereof in accordance with the foregoing provisions of this subsection and the sum of those amounts shall be the product of a rate of the specified sum in the pound for the rating area.

(6) ^{F20}

(7) For the purposes of this Act, any contribution made by the Crown in aid of rates in respect of any lands and heritages owned by the Crown or occupied by or on behalf of the Crown for public purposes shall be treated as money paid as rates.

Textual Amendments

F15 Definitions of “large burgh” and “small burgh” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

F16 Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 9 para. 39\(b\)](#)

F17 [S. 145](#): words in definition of “local authority” substituted (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), [Sch. 13 para. 30](#); [S.I. 1996/323, art. 3\(2\)\(c\)](#)

F18 Definition of “rate”commencing “means the non-domestic rate” substituted (S.) for the definition commencing “has the same meaning as in” by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 103:2\)](#), s. 6, [Sch. 1 Pt. III para. 17](#)

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- F19** Words repealed by [Valuation and Rating \(Scotland\) Act 1956 \(c. 60\), Sch. 7 Pt. III](#)
F20 Ss. 85(2), 145(6) repealed by [Valuation and Rating \(Scotland\) Act 1956 \(c. 60\), Sch. 7 Pt. III](#)

Marginal Citations

- M3** 1947 c. 43.
M4 1947 c. 43.
M5 1854 c. 91.
M6 1930 c. 24.

146 Application to Isles of Scilly. **E+W+S**

The provisions of this Act shall, in relation to the Isles of Scilly, have effect subject to such modifications as the Minister may by order direct, and any order under this section may be revoked or varied by any subsequent order.

147 ^{F21} **E+W+S**

Textual Amendments

- F21** Ss. 57(2), 72, 88(1), 89(3)–(7), 106, 121(8), 147, Schs. 1 para. 2, 2 repealed by [Local Government Act 1958 \(c. 55\), Sch. 9 Pt. V](#)

148 Short title and extent. **E+W+S**

- (1) This Act may be cited as the Local Government Act 1948.
- (2) This Act shall not extend to Northern Ireland.

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1948, Part VIII.