



CHAPTER 36

An Act to make provision for contributions by local authorities towards the repair and maintenance of buildings of historic or architectural interest and the upkeep of gardens occupied therewith; and for purposes connected therewith. [19th July, 1962]

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:—

1.—(1) A local authority in England or Wales may by grant or loan—

Power of local authority to contribute to preservation of historic buildings.

- (a) contribute towards the expenses incurred or to be incurred in the repair or maintenance of a building which is situate in or in the vicinity of their area and is for the time being included in a list of buildings of special architectural or historic interest compiled or approved under section thirty of the Town and Country Planning Act, 1947; and

10 & 11 Geo. 6. c.51.

- (b) with the consent of the Minister of Housing and Local Government, contribute towards the expenses incurred or to be incurred in the repair or maintenance of a building in their area appearing to them to be of architectural or historic interest, other than such a building as is referred to in the foregoing paragraph,

and, at the time of making a contribution under this section towards the expenses of the repair or maintenance of a building may also, by grant or loan, contribute towards the expenses incurred, or to be incurred in the upkeep of any garden occupied with the building and contiguous or adjacent thereto.

(2) A contribution by way of loan under the foregoing subsection may be made upon such terms and conditions as the local authority may determine including, without prejudice to the generality of the foregoing words, a term that the loan shall be free of interest; and the local authority may at any time renounce their right to repayment of the loan or any interest for the time being outstanding, and, by agreement with the borrower, may otherwise vary any of the terms and conditions on which the loan is made.

(3) A local authority may require as a condition of the making by them of a contribution under this section by way of grant towards the expenses of the repair or maintenance or upkeep of any property that the person to whom the grant is made shall enter into an agreement with them for the purpose of enabling the public to have access to the property or part thereof during such period and at such times as the agreement may provide.

(4) In this section—

“building” includes any structure or erection and any part of a building as so defined;

“local authority” means the council of a county, county borough, metropolitan borough or county district, and a joint planning board constituted under section four of the said Act of 1947, but does not include the London County Council.

2.—(1) If, during the period of three years beginning with the day on which a grant is made under this Act to a person towards the repair or maintenance or upkeep of any property, that person disposes of the interest, or any part thereof, held by him in the property on that day by way of sale or exchange or lease for a term of not less than twenty-one years, the local authority may recover from that person, in any court of competent jurisdiction, the amount of the grant, or such part thereof as to them seems fit.

(2) If, in the case of property towards the repair or maintenance or upkeep of which a grant is made under this Act, a person becomes entitled by way of gift from the grantee, whether directly or indirectly (but otherwise than by will), to a part of the interest held by the grantee in the property on the day on which the grant is made, a disposal by the donee in any manner mentioned in the foregoing subsection of the interest so acquired by him in the property, or any part of that interest, shall be treated, for the purposes of that subsection, as a disposal by the grantee of a part of the interest so held by him, and if in the case of a

day aforesaid the foregoing subsection shall have effect as if the grant had been made to the donee instead of to the grantee and that interest had then been held by the donee.

(3) Subsection (1) of this section shall not be taken as conferring on a local authority a right to recover, in the event of proceedings thereunder being brought in relation to disposals of several parts of an interest in property, amounts in the aggregate exceeding the amount of the grant.

3. Any increase attributable to the provisions of this Act in Expenses. the sums payable out of moneys provided by Parliament by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be paid out of moneys so provided.

4. This Act may be cited as the Local Authorities (Historic Short title. Buildings) Act, 1962.

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Recovery of grants on disposal of property within three years.