



# Local Government Act 1972

## 1972 CHAPTER 70

### E+W

An Act to make provision with respect to local government and the functions of local authorities in England and Wales; to amend Part II of the Transport Act 1968; to confer rights of appeal in respect of decisions relating to licences under the Home Counties (Music and Dancing) Licensing Act 1926; to make further provision with respect to magistrates' courts committees; to abolish certain inferior courts of record; and for connected purposes. [26th October 1972]

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

- C1** Act extended by [Charlwood and Horley Act 1974 \(c. 11\), s. 2](#)
- C2** Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C3** Act modified by [S.I. 1979/1123, arts. 4\(2\), 5](#)
- C4** Power to modify Act conferred by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 39\(6\)\(7\)](#)
- C5** Act modified by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 40\(2\)](#)
- C6** Act applied (12.3.1991) by [S.I. 1991/993, arts. 1\(1\), 28](#)  
Act construed as one with [1994 c. 19 \(5.7.1994\)](#) by [1994 c. 19, ss. 64\(3\), 66\(2\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))  
Act restricted (3.4.1995) by [1994 c. 19, s. 30\(2\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/852, art. 5](#)  
Act restricted (temp. from 6.5.1996 to 31.3.1997) by [S.I. 1995/1770, art. 16\(a\)](#)  
Act extended (1.11.1996) by [1996 c. 56, ss. 532, 583\(2\)](#) (with [s. 1\(4\)](#))  
Act applied (1.7.1997) by [1997 c. 23, ss. 1\(4\), 9\(2\), Sch. 1 para. 2\(c\)](#) (with [s. 7\(3\), Sch. 2 para. 6](#))  
Act: transfer of functions (subject to specified exceptions) (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

#### Commencement Information

- I1** Act partly in force at Royal Assent see [s. 273](#); Act wholly in force 1.4.1974

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**Changes to legislation:** Local Government Act 1972 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## PART I E

### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

#### Extent Information

**E1** Part I (ss. 1-19) extends to England only: see s. 19

#### *New local government areas*

### 1 **New local government areas in England.** E

- (1) For the administration of local government on and after 1st April 1974 England (exclusive of Greater London and the Isles of Scilly) shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be the metropolitan counties named in Part I and the non-metropolitan counties named in Part II of Schedule 1 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of each Part of that Schedule.
- (3) The districts in the metropolitan counties shall be those respectively specified in column 2 of the said Part I and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in that column, and the Secretary of State may by order provide a name for any such district.
- (4) The districts in the non-metropolitan counties shall be those respectively specified in one or more orders made by the Secretary of State under paragraph 1 of Schedule 3 to this Act and having the names given to them by one or more orders so made.
- (5) Part III of Schedule 1 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) Subject to Part IV of Schedule 1 to this Act and to any provision corresponding to that Part made by an order under section 254 below, the rural parishes existing immediately before 1st April 1974 shall continue to exist on and after that date by the name of parishes.
- (7) The said Part IV shall have effect with respect to the existing rural parishes which by virtue of this Act are comprised in more than one county or more than one metropolitan district.
- (8) Part V of Schedule 1 to this Act shall have effect for the purpose of constituting parishes the boundaries of which are determined by reference to those of existing boroughs and urban districts and also, in cases where the areas of such boroughs and urban districts are divided by or under this section between two or more new districts, by reference to the boundaries of the new districts.
- (9) The boroughs which by virtue of section 141 of the 1933 Act or section 28 of the <sup>M1</sup>Local Government Act 1958 are included in rural districts immediately before the passing of this Act shall on the passing of this Act become parishes without ceasing to be boroughs, but shall cease to be boroughs on 1st April 1974.

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- (10) On that date the following local government areas existing immediately before that date outside Greater London and the Isles of Scilly, that is to say, all administrative counties, boroughs (except those in rural districts), urban districts, rural districts and urban parishes, shall cease to exist and the council of every such area which has a council shall also cease to exist.
- (11) On that date the municipal corporation of every borough outside Greater London (and the corporation of a borough included in a rural district) shall cease to exist.
- (12) In this section “England” does not include the administrative county of Monmouthshire or the county borough of Newport.

#### Marginal Citations

M1 1958 c. 55.

### Principal councils

## 2 Constitution of principal councils in England. **E**

- (1) For every [<sup>F1</sup>non-metropolitan] county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.

#### Textual Amendments

F1 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 16 para. 2

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

- C7 S. 2(1) excluded (1.4.1996) by S.I. 1995/493, arts. 1, 6(2)  
S. 2(1) excluded (1.4.1996) by S.I. 1995/610, arts. 1, 4(2)  
S. 2(1) excluded (1.4.1996) by S.I. 1995/1747, arts. 1(2), 3(2)-(6)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1769, arts. 1, 8(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1770, arts. 1, 5(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1771, arts. 1, 8(4)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1772, arts. 1, 8(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1773, arts. 1, 8(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1774, arts. 1, 8(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1775, arts. 1, 8(4)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1776, arts. 1, 8(3)  
S. 2(1) excluded (1.4.1997) by S.I. 1995/1779, arts. 1, 3(3)  
S. 2(1) excluded (1.4.1998) by S.I. 1996/1863, arts. 1, 6(4)  
S. 2(1) excluded (1.4.1998) by S.I. 1996/1865, arts. 1, 6(4)  
S. 2(1) excluded (1.4.1998) by S.I. 1996/1866, arts. 1, 6(3)  
S. 2(1) excluded (1.4.1998) by S.I. 1996/1867, arts. 1, 5(3)

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- S. 2(1) excluded (1.4.1998) by S.I. 1996/1868, **arts. 1, 6(4)**  
 S. 2(1) excluded (1.4.1998) by S.I. 1996/1875, **arts. 1, 6(4)**  
 S. 2(1) excluded (1.4.1998) by S.I. 1996/1876, **arts. 1, 5(3)**  
 S. 2(1) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by S.I. 1996/1867, **art. 20**  
**C8** S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by S.I. 1995/493, **art. 18(a)**  
 S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by S.I. 1995/610, **art. 15(a)**  
 S. 2(2) applied (with modifications) (*temp.* from 6.5.1996 to 31.3.1997) by S.I. 1995/1770, **art. 16(a)**  
 S. 2(2) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by S.I. 1996/1867, **art. 20**  
 S. 2(2) applied (with modifications)(*temp.* from 5.5.1997 to 31.3.1998) by S.I. 1996/1876, **art. 13(a)**

### *Members of principal councils*

#### **3 Chairman. E**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.
- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

#### **4 Election of chairman. E**

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 3(3) above or section 5(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

#### **5 Vice-chairman. E**

- (1) A principal council shall appoint a member of the council to be vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

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- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

## 6 Term of office and retirement of councillors. **E**

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F2</sup>Representation of the People Act 1983].

- (2) For the purposes of the election of councillors—

- (a) every [<sup>F3</sup>non-metropolitan] county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act) one councillor;
- (b) every metropolitan district shall be divided into wards, each returning a number of councillors which is divisible by three; and
- (c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 3 or under or by virtue of the provisions of section 7 below or [<sup>F4</sup>Part II of the Local Government Act 1992];

and there shall be a separate election for each electoral division or ward.

### Textual Amendments

- F2** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)
- F3** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 16 para. 2](#)
- F4** Words in s. 6(2)(c) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para. 6; S.I. 1992/2371, art. 2](#)

## 7 Elections of councillors. **E**

- (1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (2) The ordinary elections of metropolitan district councillors shall take place in 1973, 1975 and every year thereafter other than [<sup>F5</sup>1977 and every fourth year thereafter].
- (3) Subject to paragraph 4 of Schedule 3 to this Act, the term of office of metropolitan district councillors shall be four years and one-third of the whole number of councillors in each ward of a metropolitan district, being those who have been councillors for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Subject to subsection (5) below, a non-metropolitan district council may in pursuance of the requisite resolution request the Secretary of State to provide—
- (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or

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- (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

- (5) A resolution may not be passed under subsection (4) above within ten years of a previous resolution thereunder.
- (6) Where the Secretary of State receives a request under subsection (4)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (4)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under [<sup>F6</sup>section 17 of the Local Government Act 1992].
- (7) Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may [<sup>F7</sup>direct the Local Government Commission for England to conduct a review and make recommendations] in the light of the request with respect to—
  - (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
  - (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;
 [<sup>F8</sup>and the provisions of Part II of the Local Government Act 1992 shall apply accordingly].
- (8) The ordinary elections of non-metropolitan district councillors shall take place—
  - (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (9) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to non-metropolitan district councillors:—
  - (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and

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- (c) where such an order is in force, one-third of the whole number of councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

#### Textual Amendments

- F5** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 3](#)
- F6** Words in s. 7(6) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para. 7\(1\)](#); [S.I. 1992/2371](#), [art. 2](#)
- F7** Words in s. 7(7) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para. 7\(2\)\(a\)](#); [S.I. 1992/2371](#), [art. 2](#)
- F8** Words in s. 7(7) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [sch. 3 para. 7\(2\)\(b\)](#); [S.I. 1992/2371](#), [art. 2](#)

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

- C9** S. 7 excluded (12.4.1994) by [S.I. 1994/867](#), [reg. 6\(3\)](#)

## 8 Constitution and membership of Greater London Council and London borough councils. **E**

- (1) Sections 2 to 7 above shall not apply to <sup>F9</sup> . . . London borough councils but, subject to subsection (2) below, the provisions of Schedule 2 to this Act shall have effect in relation to them instead.
- (2) The Secretary of State may by order make such modifications of sub-paragraphs (2) and (3) of paragraph 6 of Schedule 2 to this Act as appear to him to be appropriate for all or any of the following purposes—
- <sup>F10</sup>(a) . . . . .
- (b) to secure that ordinary elections of London borough councillors are held in years in which ordinary elections of metropolitan district councillors are held, and
- (c) to secure that provisions corresponding to section 7(3) above apply to the retirement of London borough councillors.
- (3) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

- F9** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F10** [S. 8\(2\)\(a\)](#) repealed by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), [s. 2\(4\)](#)

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## *Parishes*

### 9 **Parish meetings and councils.** **E**

- (1) For every parish there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment and, subject to the provisions of this Act or any instrument made thereunder, for every parish or group of parishes having a parish council before 1st April 1974 there shall continue to be a parish council.
- (2) If a parish has not a parish council (whether separate or common) the district council shall, and if a parish is grouped under a common parish council the district council may, by order establish a separate parish council for that parish—
  - (a) if the population includes 200 or more local government electors; or
  - (b) if in the case of a parish the population of which includes more than 150 but less than 200 local government electors, the parish meeting of the parish so resolve.
- (3) If a parish has a population which includes not more than 150 local government electors, the district council may by order establish a separate parish council for that parish if the parish meeting so resolve.
- (4) Subject to any order under [<sup>F11</sup>section 10 or 11 below or Part II of the Local Government Act 1992], there shall be a separate parish council for—
  - (a) every parish which immediately before the passing of this Act was a borough included in a rural district;
  - (b) every parish which immediately before the passing of this Act was co-extensive with a rural district;
  - (c) every parish established by paragraph 1 of Part IV of Schedule 1 to this Act;
  - (d) every parish to which part of another parish is added by paragraph 2 of the said Part IV and which immediately before the passing of this Act had no parish council; and
  - (e) every parish constituted under Part V of Schedule 1 to this Act.
- (5) An order establishing a separate parish council for a parish shall make such provision as appears to the district council to be necessary for the election of a parish council in accordance with this Act and Part I of the [<sup>F12</sup>Representation of the People Act 1983].
- (6) An order shall not be made under this section establishing a separate parish council for a parish grouped under a common parish council unless by that order or an order under section 11(4) below the parish is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the parish council of the group.

#### **Textual Amendments**

**F11** Words in s. 9(4) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para.8; S.I. 1992/2371, art. 2](#)

**F12** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)



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

C10 S. 9 excluded by S.I. 1979/1123, art. 4(2)

**10 Power to dissolve parish councils in small parishes. E**

- (1) Where the population of a parish having a separate parish council includes not more than 150 local government electors, the parish meeting may apply to the district council for the dissolution of the parish council, and thereupon the district council may by order dissolve the parish council.
- (2) Where an application under this section by a parish meeting is rejected, another such application may not be presented by that meeting within two years from the making of the previous application.

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

C11 S. 10: functions of local authority not to be responsibility of an executive of the authority (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1  
S. 10 excluded (7.8.2000 for specified purposes otherwise 26.10.2000) by 2000 c. 22, ss. 11(10), 108(4); S.I. 2000/2187, art. 2(b); S.I. 2000/2849, art. 2(b)

**11 Orders for grouping parishes, dissolving groups and separating parishes from groups. E**

- (1) The parish meeting of a parish may apply to the district council for an order grouping the parish with some neighbouring parish or parishes in the same district under a common parish council or by adding the parish to an existing group of such parishes under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Parishes shall not be grouped without the consent of the parish meeting of each of the parishes.
- (3) A grouping order shall make the necessary provision—
  - (a) for the name of the group;
  - (b) for the election in accordance with this Act and Part I of the [F13Representation of the People Act 1983] of separate representatives on the parish council for each parish or for the wards of any parish or, in the case of an order which adds a parish to the group, for that parish or for the wards of that parish;
  - (c) for the application to the parishes included in the group of all or any of the provisions of [F14section 79 of the Charities Act 1993](parochial charities) and of any of the provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish;
  - (d) for the dissolution of the separate parish council of any parish included in the group,

and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any necessary adaptations of this Act to the group of parishes or to the parish meetings of the parishes in the group.

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- (4) The district council may on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes make an order dissolving the group or separating one or more of those parishes from the group, and an order so made shall make such provision as appears to the district council to be necessary for the election of a parish council for any of the parishes in the group, where it is dissolved, and for any of the parishes separated from the group, where it is not.
- (5) Parishes grouped under a common parish council before 1st April 1974 and situated in different districts on and after that date shall, notwithstanding that they are so situated, continue to be grouped under that council—
- (a) unless an order is made under section 9 or subsection (4) above or [<sup>F15</sup>Part II of the Local Government Act 1992] dissolving the group; or
  - (b) except so far as such an order separates one or more of the parishes from the group;
- and any order under that section or subsection in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

#### Textual Amendments

**F13** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12

**F14** Words in s. 11(3)(c) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 12(2).

**F15** Words in s. 11(5)(a) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 9; S.I. 1992/2371, art. 2

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

**C12** S. 11 excluded by S.I. 1979/1123, art. 4(2)

VALID FROM 13/02/2008

#### [<sup>F16</sup>11A Grouping: alternative styles **E**

- (1) An order under section 11(1) which forms a new group may make the provision set out in subsection (3).
- (2) But the order must make that provision in either of these cases—
  - (a) if at least one of the parishes which is to be grouped does not have an alternative style, and at least one of them does have an alternative style;
  - (b) if at least one of the parishes which is to be grouped has an alternative style, and at least one of them has a different alternative style.
- (3) The provision referred to in subsections (1) and (2) is—
  - (a) provision that each of the parishes in the group shall have an alternative style, or
  - (b) provision that each of the parishes in the group which has an alternative style shall cease to have an alternative style.
- (4) Provision made by virtue of subsection (3)(a)—
  - (a) must provide for each of the parishes to have the same alternative style;
  - (b) may provide for each of the parishes to have an alternative style which any of them already has;

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- (c) has the effect that each parish in the new group shall cease to have any different alternative style which it had before the provision was made.
- (5) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (6) if—
  - (a) the parishes in the group do not have an alternative style, and
  - (b) at least one of the parishes which is to be added has an alternative style.
- (6) The provision referred to in subsection (5) is provision that each added parish which has an alternative style shall cease to have an alternative style.
- (7) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (8) if—
  - (a) the parishes in the group have an alternative style, and
  - (b) at least one of the parishes which is to be added—
    - (i) has a different alternative style, or
    - (ii) does not have any of the alternative styles.
- (8) The provision referred to in subsection (7) is provision that each added parish shall (if it does not already have the style) have the same alternative style as the parishes already in the group.
- (9) If an order makes provision under subsection (1) or (2) for parishes to have an alternative style, the group shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.
- (10) As soon as practicable after making an order which includes any provision under this section, the council which makes the order must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council or county council within whose area the parish lies.]

#### Textual Amendments

**F16** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 75(2), 245(5); S.I. 2008/337, art. 2(a)

VALID FROM 13/02/2008

#### [<sup>F16</sup>11B De-grouping: alternative styles **E**

- (1) This section applies if—
  - (a) the parishes in a group of parishes have an alternative style, and

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- (b) an order under section 11(4) dissolves the group or separates one or more parishes from the group.
- (2) The order under section 11(4) must provide for each de-grouped parish to continue to have the alternative style.
- (3) In subsection (2) “de-grouped parish” means—
  - (a) in the case of dissolution of the group, each parish in the group;
  - (b) in the case of separation of one or more parishes from the group, each parish that is separated.]

#### Textual Amendments

**F16** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(2\), 245\(5\)](#); S.I. 2008/337, [art. 2\(a\)](#)

## 12 Provision supplementary to sections 9 to 11. **E**

- (1) An order made by a district council or district councils under section 9, 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) When any such order is made, [<sup>F17</sup>section 20 of the Local Government Act 1992 shall apply as if the order were made under Part II of that Act].
- (3) Two copies of every such order shall be sent to the Secretary of State.

#### Textual Amendments

**F17** Words in s. 12(2) substituted (31.10.1992) by [Local Government Act 1992](#) (c. 19), s. 27(1), [Sch. 3 para.10](#); S.I. 1992/2371, [art.2](#)

VALID FROM 13/02/2008

## [<sup>F18</sup>12A Parishes: alternative styles **E**

- (1) This section applies to a parish which is not grouped with any other parish.
- (2) The appropriate parish authority may resolve that the parish shall have one of the alternative styles.
- (3) If the parish has an alternative style, the appropriate parish authority may resolve that the parish shall cease to have that style.
- (4) A single resolution may provide for a parish—
  - (a) to cease to have an alternative style, and
  - (b) to have another of the alternative styles instead.

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- (5) As soon as practicable after passing a resolution under this section, the appropriate parish authority must give notice of the change of style to all of the following—
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council, county council or London borough council within whose area the parish lies.
- (6) In this section “appropriate parish authority” means—
- (a) the parish council, or
  - (b) if the parish does not have a parish council, the parish meeting.]

#### Textual Amendments

**F18** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(3\), 245\(5\)](#); S.I. 2008/337, [art. 2\(a\)](#)

VALID FROM 13/02/2008

#### [<sup>F18</sup>12B Groups of parishes: alternative styles **E**

- (1) This section applies to a group of parishes.
- (2) The common parish council of the group may resolve that each of the grouped parishes shall have the same alternative style.
- (3) If each of the grouped parishes has an alternative style, the common parish council of the group may resolve that each of the grouped parishes shall cease to have that style.
- (4) A single resolution may provide for each of the grouped parishes—
  - (a) to cease to have an alternative style, and
  - (b) to have the same one of the other alternative styles instead.
- (5) If the common parish council passes a resolution under this section for each of the grouped parishes to have an alternative style, the group of parishes shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.
- (6) As soon as practicable after passing a resolution under this section, the common parish council of a group must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;

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- (e) any district council, county council or London borough council within whose area the group lies.]

#### Textual Amendments

**F18** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(3\), 245\(5\)](#); [S.I. 2008/337](#), [art. 2\(a\)](#)

### 13 Constitution of parish meeting, etc. **E**

- (1) The parish meeting of a parish shall consist of the local government electors for the parish.
- (2) Any act of a parish meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting, or, if an instrument under seal is required, by an instrument signed by those persons and sealed with the seal of the parish council in the case of a parish having a separate parish council or the parish trustees in any other case, if that council or those trustees have a seal, or, if they do not, with the seals of those persons.
- (3) In a parish not having a separate parish council the chairman of the parish meeting and the proper officer of the district council shall be a body corporate by the name of “the Parish Trustees” with the addition of the name of the parish.
- (4) The parish trustees of a parish shall act in accordance with any directions given by the parish meeting.
- (5) Notwithstanding anything in any rule of law the parish trustees need not have a common seal, but where they have no seal any act of theirs which requires to be signified by an instrument under seal may be signified by an instrument signed and sealed by the persons who are the parish trustees.

### 14 Constitution and powers of parish council. **E**

- (1) A parish council shall consist of the chairman and parish councillors and shall have all such functions as are vested in the council by this Act or otherwise.
- (2) The parish council shall be a body corporate by the name “The Parish Council” with the addition of the name of the particular parish.
- (3) Notwithstanding anything in any rule of law, a parish council need not have a common seal, but where a parish council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

### 15 Chairman and vice-chairman of parish council or meeting. **E**

- (1) The chairman of a parish council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the parish council and if, apart from subsection (8) below, the person presiding at

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the meeting would have ceased to be a member of the parish council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A parish council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) The parish council may appoint a member of the council to be vice-chairman of the council.
- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of parish councillors.
- (9) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (10) In a parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly elect a chairman for the year who shall continue in office until his successor is elected.

## 16 Parish councillors. **E**

- (1) The number of parish councillors for each parish shall be such number not being less than five as may be fixed from time to time by the district council.
- (2) Parish councillors shall be elected by the local government electors for the parish in accordance with this Act and Part I of the [F19]Representation of the People Act 1983].
- (3) Subject to any provision included in an order by virtue of section 67 below and to the provisions of paragraphs 12 and 13 of Schedule 3 to this Act, the ordinary elections of parish councillors shall take place in 1976, 1979 and every fourth year thereafter, their term of office shall be three years in the case of those elected at the ordinary elections in 1976 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of parish councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Where a parish is not divided into parish wards there shall be one election of parish councillors for the whole parish.
- (5) Where a parish is divided into parish wards there shall be a separate election of parish councillors for each ward.

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**Textual Amendments**  
**F19** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

VALID FROM 01/04/2008

**[<sup>F20</sup>16A Appointed councillors E**

- (1) A parish council may appoint persons to be councillors of the council.
- (2) The Secretary of State may by regulations make provision about—
  - (a) the appointment of persons under this section;
  - (b) the holding of office after appointment under this section.
- (3) The regulations may, in particular, make provision about any of the following matters—
  - (a) persons who may be appointed;
  - (b) the number of persons who may be appointed;
  - (c) the term of office of persons appointed;
  - (d) the right of persons appointed to participate in decision-making by the council (including voting);
  - (e) purposes for which a person appointed is to be treated as an elected councillor;
  - (f) the filling of vacancies.
- (4) In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**  
**F20** S. 16A inserted (1.4.2008 in so far as it confers powers to make regulations and otherwise prosp) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 76\(4\), 245\(5\)](#); S.I. [2008/917](#), [art. 4](#)

**<sup>F21</sup>17** ..... E

**Textual Amendments**  
**F21** S. 17 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)



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### Miscellaneous

VALID FROM 13/02/2008

#### **[<sup>F22</sup>17A Alternative styles: supplementary E**

- (1) This section applies for the purposes of sections 9 to 16A.
- (2) “Alternative style” means one of the following styles—
  - (a) “community”;
  - (b) “neighbourhood”;
  - (c) “village”.
- (3) References to a parish having an alternative style, or a particular alternative style, are references to the parish having that style by virtue of—
  - (a) a relevant order, or
  - (b) a resolution under section 12A or 12B.
- (4) The provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style are subject to any resolution under section 12A or 12B relating to that parish.
- (5) A resolution under section 12A or 12B relating to a parish is subject to any provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style.
- (6) A parish shall cease to have an alternative style if the parish begins to have the status of a town by virtue of section 245(6).
- (7) In this section “relevant order” means an order under—
  - (a) section 11 of this Act, or
  - (b) section 86 of the Local Government and Public Involvement in Health Act 2007.]

#### **Textual Amendments**

**F22** S. 17A inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 75\(8\), 245](#); [S.I. 2008/337](#), [art. 2\(a\)](#)

#### **18 Establishment of new authorities in England. E**

Schedule 3 to this Act shall have effect with respect to the division of non-metropolitan counties into districts, the establishment of the new local authorities in England, the suspension of elections of members of existing local authorities there and related matters.

#### **19 Extent of Part I. E**

This Part of this Act shall extend to England only.

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## PART II W

### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

#### Extent Information

**E2** Part II (ss. 20-38) extends to Wales only: see [s. 38](#)

#### *New local government areas*

### 20 **New local government areas in Wales.** W

- (1) For the administration of local government on and after 1st April 1974 Wales shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be those named in Part I of Schedule 4 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of that Part of that Schedule.
- (3) In the counties specified in column 1 of Part II of that Schedule there shall be the districts respectively specified in column 2 of Part II of that Schedule and those districts shall comprise the areas respectively described as aforesaid in column 3 of that Part of that Schedule, and the Secretary of State may by order provide a name for any such district.
- (4) On and after 1st April 1974 every district shall consist of one or more areas to be known as communities which shall be established in accordance with the following paragraphs:—
  - (a) the area of each borough existing immediately before that date shall on that date become a community of the district in which it is comprised and shall be known by the same name as the borough's;
  - (b) the area of each urban district then existing which is wholly comprised in a district shall on that date become a community of that district and shall be known by the same name as the urban district's;
  - (c) the area of each rural parish then existing shall on that date become a community of the district in which it is comprised and shall be known by the same name as the parish's;
  - (d) in the districts specified in column 1 of Part III of Schedule 4 to this Act there shall on that date be established the communities respectively named in column 2 of that Part of that Schedule and described (by reference to administrative areas existing immediately before the passing of this Act) in column 3 of that Part of that Schedule.
- (5) Part IV of Schedule 4 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) On 1st April 1974 all local government areas existing immediately before that date, that is to say, all administrative counties, boroughs, urban districts, rural districts and urban and rural parishes, shall cease to exist, and the following shall also cease to exist—

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- (a) the council of every such area which has a council;
  - (b) in the case of a borough, the municipal corporation of the borough;
  - (c) in the case of a parish, the parish meeting;
  - (d) in the case of a parish for which there is no separate parish council, the representative body of the parish;
  - (e) in the case of parishes included in a group, the common parish council.
- (7) In this section “Wales” includes the administrative county of Monmouthshire and the county borough of Newport.

### *Principal councils*

## **21 Constitution of principal councils in Wales. W**

- (1) For every county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate [<sup>F23</sup>and, subject to subsection (4) below, shall be known] by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.
- [<sup>F24</sup>(4) If and so long as this subsection is in force in relation to a principal council, subsection (3) above shall have effect in relation to that council as if for the words “The County Council” there were substituted “Cyngor Sir” or, as the case may be, as if for the words “The District Council” there were substituted “Cyngor Dosbarth”.
- (5) Subsection (4) above shall come into force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall be used; and that subsection shall cease to be in force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar majority that the Welsh language form of the council’s description shall cease to be used.]

#### **Textual Amendments**

- F23** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 160, [Sch. 8 para. 2](#)
- F24** [S. 21\(4\)\(5\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 2\(2\)](#)

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### *Members of principal councils*

#### **22 Chairman.** **W**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.
- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

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

**C13** [S. 22](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)

#### **23 Election of chairman.** **W**

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 22(3) above or section 24(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

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

**C14** [S. 23](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)

#### **24 Vice-chairman.** **W**

- (1) A principal council shall appoint a member of the council to be a vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

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

**C15** S. 24 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

## 25 Term of office and retirement of councillors. **W**

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F25</sup>Representation of the People Act 1983].
- (2) For the purposes of the election of councillors—
  - (a) every county shall be divided into electoral divisions, each returning (subject to paragraph 2 of Schedule 5 to this Act) one councillor; and
  - (b) every district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 2 or under or by virtue of the provisions of section 26 below or Part IV of this Act; and there shall be a separate election for each electoral division or ward.

#### Textual Amendments

**F25** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12

VALID FROM 03/04/1995

## [<sup>F26</sup>25A Title of chairman or vice-chairman of county borough council. **W**

- (1) The chairman of a county borough council is entitled to the style of “mayor” or “maer”.
- (2) The vice-chairman of a county borough council is entitled to the style of “deputy mayor” or “dirprwy faer”.]

#### Textual Amendments

**F26** S. 25A inserted (3.4.1995) by 1994 c. 19, s. 66(5), Sch. 15 para. 3 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), Sch. 5

## 26 Elections of councillors. **W**

- (1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (2) Subject to subsection (3) below, a district council may in pursuance of the requisite resolution request the Secretary of State to provide—

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- (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or
- (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating, in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

- (3) A resolution may not be passed under subsection (2) above within ten years of a previous resolution thereunder.
- (4) Where the Secretary of State receives a request under subsection (2)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (2)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 58 below.
- (5) Where the Secretary of State receives a request under subsection (2)(b) above from a district council he may ask the Welsh Commission to make proposals in the light of the request with respect to—
  - (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
  - (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

and, where the Commission have not completed their review of the electoral arrangements for the district under paragraph 10 of Schedule 10 to this Act, they shall as part of that review consider the proposals to be made under this subsection and, in any other case, sections 59, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their conduct of a review under section 57 below and any such proposals shall be treated as if made under section 58 below.

- (6) The ordinary elections of district councillors shall take place—
  - (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (7) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to district councillors—
  - (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of the councillors shall retire together in every

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ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and

- (c) where such an order is in force, one-third of the whole number of the councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

### Communities

#### 27 Community meetings and councils. **W**

- (1) A meeting of the local government electors for a community (hereafter in this Act referred to as a community meeting) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings.
- (2) For the purpose of exercising functions on and after 1st April 1974 there shall be a community council for—
  - (a) every community which is co-extensive with the area of a rural parish existing immediately before that date and having a separate parish council;
  - (b) every group of communities the areas of which are co-extensive with the areas of rural parishes existing immediately before that date and grouped under a common parish council; and
  - (c) any other community in respect of which the Secretary of State has directed under subsection (3) or (4) below that there is to be a community council.
- (3) The Secretary of State shall, on an application in writing made to him before 1973 by the council of an existing borough (except an excepted borough) or of an existing urban district, being a borough or district the area of part of the area of which is co-extensive with the area of a community, direct that there shall be a council for the community for the purpose of exercising functions on and after 1st April 1974.
- (4) The Secretary of State may, without any application under subsection (3) above, but after such consultations as he thinks proper, direct not later than 30th June 1973 that for the said purpose there shall be a community council for a particular community the area of which is co-extensive with the area or part of the area of an existing borough (except an excepted borough) or of an existing urban district.
- (5) A community meeting of a community having a separate community council may, after 1st April 1974 and before the submission to the Secretary of State of the report of the Commission on the special community review relating to that community, apply to the district council for the dissolution of the community council, and thereupon the district council may by order dissolve the community council.
- (6) In this section “excepted borough” means the borough of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda or Swansea.

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## 28 Establishment and dissolution of community councils. **W**

- (1) A community meeting of a community which has not a separate community council and is not co-extensive with a district may, at any time except as provided by section 30 below, apply to the district council for an order establishing a council for the community, and thereupon the district council shall make such an order accordingly.
- (2) An order establishing a separate community council for a community shall make such provision as appears to the district council to be necessary for the election of a community council in accordance with this Act and Part I of the [<sup>F27</sup>Representation of the People Act 1983].
- (3) An order shall not be made under this section establishing a separate community council for a community grouped under a common community council unless by that order or an order under section 29(4) below the community is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the community council of the group.
- (4) A community meeting of a community having a separate community council may, at any time except as provided by section 30 below, apply to the district council for the dissolution of the community council, and thereupon the district council shall by order dissolve the community council.

### Textual Amendments

**F27** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)

## 29 Orders for grouping communities, dissolving groups and separating communities from groups. **W**

- (1) A community meeting of a community may, at any time except as provided by section 30 below, apply to the district council for an order grouping the community with some neighbouring community or communities in the same district under a common community council or by adding the community to an existing group of such communities under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Communities shall not be grouped without the consent of a community meeting of each of the communities.
- (3) A grouping order shall make the necessary provision—
  - (a) for the name of the group;
  - (b) for the election in accordance with this Act and Part I of the [<sup>F28</sup>Representation of the People Act 1983] of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to the group, for that community or for the wards of that community;
  - (c) for the application to the communities included in the group of all or any of the provisions of [<sup>F29</sup>section 79 of the Charities Act 1993] (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community;



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- (d) for the dissolution of the separate community council of any community included in the group;
- and the order may provide for any necessary adaptations of this Act to the group of communities.
- (4) The council of a group of communities or a community meeting of a community included in a group of communities may, at any time except as provided by section 30 below, apply to the district council for an order dissolving the group or separating one or more of those communities from the group, and the district council may thereupon make an order accordingly, and an order so made shall make such provision as appears to the district council to be necessary for the election of a community council for any of the communities in the group, where it is dissolved, and for any of the communities separated from the group, where it is not.

#### Textual Amendments

**F28** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

**F29** Words in [s. 29\(3\)\(c\)](#) substituted (1.8.1993) by [1993 c. 10, ss. 98\(1\), 99\(1\)](#), [Sch. 6 para. 12\(2\)](#).

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

**C16** [S. 29](#) excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)

**C17** [S. 29\(1\)](#) restricted (5.7.1994) by [1994 c. 19, s. 66\(2\)\(b\)\(7\)](#), [Sch. 17 Pt. II para. 9](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

VALID FROM 01/04/1996

### <sup>F30</sup>29A Community councils for groups of communities: dissolution. **W**

- (1) The council of a group of communities may apply to the principal council within whose area the communities lie for an order dissolving the group.
- (2) A community meeting of a community included in a group of communities may apply to the principal council within whose area the community lies for an order separating the community from the group.
- (3) If, on any application under this section, the principal council are satisfied that—
- the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - in the case of an application under subsection (1) above, that a community meeting of each of the communities in the group has consented to the dissolution of the community council,
- they shall make the order applied for.
- (4) Where a community council are dissolved by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the <sup>M2</sup>People Act 1983.
- (5) Where a community is separated from a group by an order under this section, the order shall make such provision as appears to the principal council to be necessary

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for the election of a community council for the community in accordance with this Act and Part I of the Representation of the <sup>M3</sup>People Act 1983.

- (6) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (7) This section is subject to section 29B below.]

#### Textual Amendments

**F30** S. 29A inserted (1.4.1996) by 1994 c. 19, s. 11 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### Marginal Citations

**M2** 1983 c. 2.  
**M3** 1983 c. 2.

VALID FROM 01/04/1996

### [<sup>F31</sup>29B Community councils: applications under section 28, 29 or 29A. **W**

- (1) An application under section 28, 29 or 29A above may be made only if—
- a poll of the local government electors in the community has been held;
  - a majority of those voting in the poll supports the proposal; and
  - in the case of an application under section 29(1)(a), the application is made jointly with the communities to be grouped under the common community council.
- (2) In the case of an application under section 29A(1), paragraphs (a) and (b) of subsection (1) above apply in relation to each of the communities concerned.
- (3) The consent required by section 29(2)(b) or 29A(3)(b) above may be given by a community meeting only if—
- a poll of the local government electors in the community has been held; and
  - a majority of those voting in the poll supports the proposal.
- (4) At any community meeting at which there is discussed a proposal—
- for the establishment, or for the dissolution, of a community council,
  - for the grouping of the community with another community or communities (on an application under section 29(1)(a) or (b) above), under a common community council;
  - for the separation of the community from the communities with which it is grouped under a common community council;
  - for the dissolution of the common community council for the communities with which it is grouped;
  - for the giving of the consent required by section 29(2)(b) or 29A(3)(b) above, a decision to hold a poll on the question shall be effective only if not less than the required number of local government electors is present and voting.

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- (5) The required number of local government electors is such number as is equal to 30% of the local government electorate or, if that number exceeds 300, is 300.
- (6) No poll shall be held for the purposes of this section before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.
- (8) Where the result of any poll (“the previous poll”) held for the purposes of this section is the rejection of the proposal with respect to which the poll was held, no further poll on that question shall be held before the end of the period of two years beginning with the date on which the previous poll was held.]

#### Textual Amendments

**F31** S. 29B inserted (1.4.1996) by 1994 c. 19, s. 12(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

### 30 Restriction on community applications during and after reviews. **W**

- (1) Subject to subsection (3) below, no community application shall be made in relation to any community—
  - (a) until the expiration of two years beginning with the coming into force of an order under Schedule 10 to this Act consequent on the report of the Commission on the special community review relating to that community; or
  - (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of [<sup>F32</sup>the Welsh Commission] on a review under that Part of this Act of the county or district of which the community forms part or, as the case may be, of the community; or
  - (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.
- (2) In relation to an application under section 28(4) above subsection (1) above shall have effect as if for the words “two years”, in each place where they occur, there were substituted the words “five years”.
- (3) The Secretary of State may, on an application made by the [<sup>F32</sup>the Welsh Commission] at any time when conducting a review under Part IV of this Act or on an application by a district council at any time when conducting such a review, direct that no community application shall be made in relation to any community affected by the review until the Secretary of State further directs.
- (4) Notwithstanding anything in subsections (1) and (2) above but without prejudice to subsection (3) above, the Secretary of State may permit the making of a community application in relation to a community if requested to do so by the council of the district in which the community is situated or by the community council (if any) or a community meeting of the community.

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- (5) In this section “community application” means any application under section 28 or 29 above.

#### Textual Amendments

**F32** Words in s. 30(1)(b)(3) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para.11](#); S.I. 1992/2371, [art.2](#)

### 31 Provision supplementary to sections 27 to 29. **W**

- (1) An order made by a district council under section 27, 28 or 29 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.
- (3) Two copies of every such order shall be sent to the Secretary of State.

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

**C18** S. 31 applied (5.7.1994) by [1994 c. 19, ss. 48\(3\), 66\(2\)\(a\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))

### 32 Constitution of community meeting. **W**

- (1) A community meeting of a community shall consist of local government electors for the community.
- (2) A community meeting may authorise the person presiding and two other local government electors present at the meeting to do anything or any class of things authorised by the meeting.
- (3) Any act of a community meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting.

### 33 Constitution and powers of community council. **W**

- (1) A community council shall consist of the chairman and community councillors and shall have all such functions as are vested in the council by this Act or otherwise.
- (2) The community council shall be a body corporate <sup>[F33]</sup>and, subject to subsection (2A) below, shall be known] by the name “The Community Council” with the addition of the name of the particular community.

<sup>[F34]</sup>(2A) If and so long as this subsection is in force in relation to a community council, subsection (2) above shall have effect in relation to that council as if for the words “The Community Council” there were substituted “Cyngor Cymuned”

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- (2B) Subsection (2A) above shall come into force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall be used; and that subsection shall cease to be in force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar majority that the Welsh language form of the council's description shall cease to be used.]
- (3) Notwithstanding anything in any rule of law, a community council need not have a common seal, but where a community council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

#### Textual Amendments

- F33** Words inserted as provided by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(1\)](#)
- F34** [S. 33\(2A\)\(2B\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(2\)](#)

VALID FROM 03/04/1995

#### <sup>F35</sup>**33A Consultation with community councils.** **W**

- (1) The Secretary of State may by order designate any matter—
- for the purposes of subsection (2) below; or
  - for the purposes of subsection (3) below.
- (2) Where a new principal council are to consider any proposal which relates to a matter which is designated for the purposes of this subsection, the council shall—
- afford the relevant community councils an opportunity to make representations to them about the proposal;
  - before making any decision in relation to the proposal, take into account any representations made to them by any relevant community council with respect to the proposal; and
  - when they take a decision with respect to the proposal, notify without delay any relevant community council by whom any such representations have been made.
- (3) If a community council have given written notice to the relevant principal council—
- that they wish to be consulted about a specified proposal which is to be considered by the principal council, and which relates to a matter designated for the purposes of this subsection, or
  - that they wish to be consulted about any proposal which is to be considered by the principal council and which relates to such a matter,
- the principal council shall take the steps mentioned in subsection (2) above in relation to that community council.
- (4) An order under this section may—

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- (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;
  - (b) give the Secretary of State power, in such circumstances as may be prescribed by the order, to provide that in relation to any principal council specified by him, those subsections shall not apply or shall apply only to the extent specified by him.
- (5) A contravention of the duty imposed by subsection (2) or (3) above shall not affect the validity of any decision of a principal council or of anything done in pursuance of any such decision.
- (6) In this section—
- “relevant community council”, in relation to a principal council, means the council of any community which is, or group of communities which are, within the area of the principal council; and
  - “relevant principal council”, in relation to any community council, means the principal council within whose area the community is, or group of communities are, situated.
- (7) The power to make an order under this section shall include power—
- (a) to make such incidental, consequential, transitional or supplemental provision as the Secretary of State thinks necessary or expedient; and
  - (b) to make different provision for different areas, including different provision for different localities and for different authorities.]

#### Textual Amendments

**F35** S. 33A inserted (3.4.1995) by 1994 c. 19, s. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

### 34 Chairman and vice-chairman of community council. **W**

- (1) The chairman of a community council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A community council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) A community council may appoint a member of the council to be vice-chairman of the council.

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- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.
- (9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

### 35 Community councillors. **W**

- (1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the [<sup>F36</sup>Representation of the People Act 1983].
- (2) Subject to any provision included in an order by virtue of section 67 below, the ordinary elections of community councillors shall take place in 1974, 1979 and every fourth year thereafter, their term of office shall be five years in the case of those elected at the ordinary elections in 1974 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of community councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1979 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (3) Where a community is not divided into community wards there shall be one election of community councillors for the whole community.
- (4) Where a community is divided into community wards there shall be a separate election of community councillors for each ward.

#### Textual Amendments

**F36** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

### <sup>F37</sup>36 ..... **W**

#### Textual Amendments

**F37** S. 36 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

#### Miscellaneous

### 37 Establishment of new authorities in Wales. **W**

Schedule 5 to this Act shall have effect with respect to the establishment of new local authorities in Wales, the suspension of elections of members of existing local authorities there and related matters.

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**38 Extent of Part II. W**

This Part of this Act shall extend to Wales only.

**PART III E+W**

<sup>F38</sup>~~39~~ ..... **E+W**  
45

**Textual Amendments**

**F38** Pt. III (ss. 39–45) repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**

**PART IV E+W**

**CHANGES IN LOCAL GOVERNMENT AREAS**

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

- C19** Pt. IV (ss. 46–78) extended with modifications by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 19(5)(6), **Sch. 9 para. 3(2)**
- C20** Pt. IV (ss. 46–78) modified by Caldey Island Act 1990 (c. 44, SIF 81:1), s. 4(2)

*Proposals by Local Government Boundary Commission for England*

<sup>F39</sup>**46** ..... **E+W**

**Textual Amendments**

**F39** Ss. 46-52 repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2)(3), **Sch. 4 Pt.II**; S.I. 1992/2371, **art. 2**

<sup>F40</sup>**47** ..... **E+W**

**Textual Amendments**

**F40** Ss. 46-52 repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2)(3), **Sch. 4 Pt.II**; S.I. 1992/2371, **art. 2**

<sup>F41</sup>**48** ..... **E+W**



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**Textual Amendments**

**F41** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

**F42** **49** ..... **E+W**

**Textual Amendments**

**F42** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F43** **50** ..... **E+W**

**Textual Amendments**

**F43** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F44** **51** ..... **E+W**

**Textual Amendments**

**F44** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F45** **52** ..... **E+W**

**Textual Amendments**

**F45** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

*Proposals by Local Government Boundary Commission for Wales*

**53** **Local Government Boundary Commission for Wales.** **E+W**

- (1) There shall be a Local Government Boundary Commission for Wales (in this Act referred to as “the Welsh Commission”) who shall carry out the functions conferred on them by or under this Act.
- (2) The provisions of Schedule 8 to this Act shall have effect with respect to the Welsh Commission.

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## 54 Proposals for changes in local government areas in Wales. **E+W**

- (1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a district council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—
- (a) the alteration of a local government area;
  - (b) the constitution of a new local government area of any description by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of such an area of the like description;
  - (c) the abolition of a local government area of any description and its distribution among other areas of the like description;
  - (d) the constitution of a new community by—
    - (i) the establishment of any area which is not a community or part of one as a community;
    - (ii) the aggregation of the whole or any part of any such area with one or more communities or parts of communities;
  - (e) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is <sup>F46</sup>a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed].
- (2) The Welsh Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a community except in accordance with section 57(7) below.

### Textual Amendments

**F46** Words in s. 54(1)(e) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para.12](#); [S.I. 1992/2371, art. 2](#)

## 55 Review of local government areas in Wales. **E+W**

- (1) It shall be the duty of the Welsh Commission to keep under review all counties and districts in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such county or district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) Upon the completion, in relation to their district, of the special community review under Schedule 10 below it shall be the duty of the council for each district in Wales to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the

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alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.

- (3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) In any case where the Secretary of State has made an order under section 1 of the <sup>M4</sup>New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any of the following:—
  - (a) the constitution of a council for a community (other than a community which is co-extensive with a district) or a group of such communities;
  - (b) the dissolution of a community council, whether separate or common;
  - (c) the separation of a community from a group of communities having a common community council;
  - (d) the addition of a community to a group of communities having a common community council;
  - (e) the making of provision for electoral arrangements for any community or group of communities which is consequential on any change proposed under the foregoing paragraphs;

and subsections (1) to (3) above shall apply in relation to proposals for any of those matters and recommendations for such proposals as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

**Marginal Citations**

M4 1965 c. 59.

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## 56 Power of Secretary of State to direct holding of reviews. **E+W**

- (1) The Secretary of State may direct the Welsh Commission to conduct a review of Wales as a whole, or of any one or more local government areas or parts of such areas in Wales, for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) The Secretary of State may, at the request of the Welsh Commission or otherwise, direct the council of a district in Wales to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.
- (3) The Welsh Commission shall consider any report made under subsection (2) above with reference to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas, they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any such matters as are mentioned in section 55(5) above, and subsections (1) to (3) of that section shall apply in relation to such proposals and recommendations as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

## 57 Substantive changes in electoral arrangements. **E+W**

- (1) No review shall be conducted under section 55 or 56 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.
- (2) It shall be the duty of the Welsh Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 10 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of

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the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

- (3) Without prejudice to subsection (2) above, the Welsh Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (4) It shall be the duty of the council of each district in Wales to keep under review the electoral arrangements for the communities in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make and the council shall consider any requests made with respect to those arrangements by the council for, or not less than thirty local government electors of, any community appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.
- (5) The Welsh Commission may, on a request made by the council for, or not less than thirty local government electors of, any community, review the electoral arrangements for the community for the purpose of considering whether or not to make proposals to the district council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.
- (6) Where a district council have received proposals from the Welsh Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.
- (7) If after receiving any such proposals a district council inform the Welsh Commission that in their opinion the order proposed should not be made (whether with or without modifications) or if, within six months of receiving any such proposals the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.

## **58 Commission's reports and their implementation. E+W**

- (1) Where the Welsh Commission have—
  - (a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a district council; or
  - (b) in accordance with section 57 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;

and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations,

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together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

- (2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Welsh Commission, either as submitted to him or with modifications:

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

- (3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.
- (4) Any statutory instrument containing an order under this section which alters the area of a county or district or abolishes a county or district shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C21** S. 58(1) excluded by S.I. 1986/553, art. 3(1)

**59 Directions about reviews. E+W**

- (1) The Secretary of State may give the Welsh Commission or the council of a district in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of all or any class of the principal areas in Wales except after consultation with associations appearing to the Secretary of State to be representative of local authorities.
- (3) The Secretary of State may give directions to the Welsh Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 55 or 56 above.

*Conduct of reviews*

**60 Procedure for reviews. E+W**

- (1) [<sup>F47</sup>The Welsh Commission or a] district council proposing to conduct a review under the foregoing provisions of this Part of this Act shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.
- (2) In conducting any such review [<sup>F48</sup>the Welsh Commission] or district council shall—
- (a) consult—

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- (i) the council of any local government area affected by the review, and such other local authorities and public bodies as appear to them to be concerned;
    - (ii) any bodies representative of staff employed by local authorities who have asked the Commission or the council, as the case may be, to be consulted; and
    - (iii) such other persons as they think fit;
  - (b) take such steps as they think fit for securing that persons who may be interested in the review are informed of any draft proposals or recommendations, any draft of an order under section <sup>F49</sup>. . . 57(4) above or any interim decision not to make proposals or recommendations or any such order and of the place or places where those proposals or recommendations or that order or decision can be inspected;
  - (c) in particular, deposit copies of those proposals or recommendations or that order or decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (d) take into consideration any representations made to them within that period.
- (3) In considering any recommendations made by a district council in consequence of a review conducted by them under this Part of this Act [<sup>F48</sup>the Welsh Commission] may consult the council of any local government area affected by the review, such other local authorities and public bodies as appear to them to be concerned and such other persons as they think fit.
- (4) Where [<sup>F48</sup>the Welsh Commission] propose to modify any proposals recommended by a district council as aforesaid or not to submit any such proposals, the Commission shall—
  - (a) take such steps as they think fit for securing that persons who may be interested in any modification or decision are informed of it and of the place or places where it can be inspected;
  - (b) deposit copies of any draft modification or the decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (c) take into consideration any representations which may be made to them with respect to any such modification or decision within that period.
- (5) Where [<sup>F48</sup>the Welsh Commission] or a district council make a report, proposals or recommendations under this Part of this Act they shall—
  - (a) take such steps as they think fit for securing that persons who may be interested in the report, proposals or recommendations are informed of the report, proposals or recommendations and of the place or places where they can be inspected;
  - (b) in particular, deposit copies of the report, proposals or recommendations at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to the proposals or recommendations or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.

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- (6) Subject to subsections (1) to (5) above, the Secretary of State may make regulations prescribing the procedure by which [<sup>F48</sup>the Welsh Commission] or, as the case may be, a district council are to conduct a review under this Part of this Act or by which [<sup>F48</sup>the Welsh Commission] are to consider recommendations of a district council thereunder.
- (7) Subject to those subsections and to any regulations made under subsection (6) above, the procedure of [<sup>F48</sup>the Welsh Commission] or a district council in conducting any such review and the procedure of the Commission in considering any such recommendations shall be such as they may determine.
- (8) ..... <sup>F50</sup>

**Textual Amendments**

**F47** Words in s. 60(1) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para. 13\(1\)](#); S.I. 1992/2371, [art. 2](#)

**F48** Words in s. 60(2)-(7) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para. 13\(2\)](#); S.I. 1992/2371, [art. 2](#)

**F49** Words in s. 60(2)(b) repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 29\(2\), Sch. 4 Pt. II](#); S.I. 1992/2371, [art. 2](#)

**F50** S. 60(8) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 19\(5\)\(6\), Sch. 9 Pt. II para. 2\(4\)](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237\(2\), Sch. 13 Pt. I](#)

**61 Local inquiries. E+W**

- (1) [<sup>F51</sup>The Welsh Commission or a] district council may cause a local inquiry to be held with respect to any review carried out by them under this Part of this Act.
- (2) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commission or district council causing the inquiry to be held.

**Textual Amendments**

**F51** Words in s. 61(1) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para. 14](#); S.I. 1992/2371, [art. 2](#)

*Border between England and Wales*

<sup>F52</sup>**62** ..... E+W

**Textual Amendments**

**F52** S. 62 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 29\(2\), Sch. 4 Pt. II](#); S.I. 1992/2371, [art. 2](#)



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*Initial reviews*

<sup>F53</sup> **63** ..... **E+W**

**Textual Amendments**

**F53** S. 63 repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt.II**; S.I. 1992/2371, **art.2**

**64** **Special community review and review of electoral arrangements (Wales).** **E+W**

Schedule 10 to this Act shall have effect with respect to the review of Wales with a view to the making of changes in the areas, councils and electoral arrangements of communities in Wales and with respect to the initial review of electoral arrangements for counties and districts in Wales.

*Supplementary provisions*

**65** **Delegation of functions of Commission.** **E+W**

- (1) [<sup>F54</sup>The Welsh Commission] may appoint one or more members of the Commission—
  - (a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
  - (b) to report to the Commission accordingly.
- (2) At the request of [<sup>F54</sup>the Welsh Commission] the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—
  - (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
  - (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

**Textual Amendments**

**F54** Words in s. 65(1)(2) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 15(1)(2)**; S.I. 1992/2371, **art.2**

<sup>F55</sup> **66** ..... **E+W**

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### Textual Amendments

**F55** S. 66 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt. II](#); S.I. 1992/2371, [art.2](#)

## 67 Consequential and transitional arrangements relating to Part IV. **E+W**

- (1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of orders under this Part of this Act or for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Regulations under this section may in particular include, in addition to any provision made by virtue of section 255 below, provision of general application with respect to—
  - (a) the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
  - (b) the functions or areas of jurisdiction of any public body, justice of the peace, stipendiary magistrate, coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers (including police officers) within any area affected by any such order, and the costs and expenses of such public bodies and persons as aforesaid;
  - (c) the transfer of legal proceedings;
 and may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of an Act, an instrument made under an Act or a charter.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) An order under this Part of this Act may include the like provision in relation to the order as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (5) Any such order may also include provision with respect to—
  - (a) the name of any altered area;
  - (b) the constitution and election of public bodies in any area affected by the order;
  - <sup>F56</sup>(c) the total number of councillors, the apportionment of councillors among electoral areas, the assignment of existing councillors to new or altered electoral areas and the first election of councillors for any new or altered electoral area;]
  - (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral areas in the local government area in question in a case where substantial changes have been made to some of those areas;
  - (e) without prejudice to paragraph (c) above, the order of retirement of councillors for any such electoral area;
  - (f) in the case of an order relating to the system of election of district councillors, the ordinary year of election and the order of retirement of parish or community councillors for any parish or community situated in the district;

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- (g) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the order.

(6) ..... F57

**Textual Amendments**

**F56** S. 67(5)(c) substituted by S.I. 1977/1710, art. 3(a)

**F57** S. 67(6) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 Pt. II para. 2(5)) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

**68 Transitional agreements as to property and finance. E+W**

- (1) Any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.
- (2) The agreement may provide—
  - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
  - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person; and
  - (c) for the making of any such payment either by way of a capital sum or of a terminable annuity.
- (3) In default of agreement as to any matter, the matter shall be referred to the arbitration of a single arbitrator agreed on by the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbitrator may provide for any matter for which an agreement under this section might have provided.
- (4) Any sum required to be paid by a public body in pursuance of an agreement or award under this section may be paid out of such fund or rate as may be specified in the agreement or award, or if no fund or rate was specified, either out of the fund or rate from which the general expenses of the public body are defrayed, or out of such fund or rate as the public body may direct.
- (5) For the purposes of paying any capital sum required to be paid by a public body in pursuance of any such agreement or award—
  - (a) a local authority may borrow without the approval of the Secretary of State, but so that the sum borrowed shall be repaid within such period as the authority with the consent of the Secretary of State may determine;
  - (b) any other public body having power under any enactment or any instrument made under any Act to borrow may borrow under that enactment or instrument; and
  - (c) a public body having no power under any enactment or any such instrument to borrow may be empowered by an order made by the Secretary of State to

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borrow in such manner and in accordance with such conditions as may be provided by the order.

<sup>F58</sup>(6) .....

(8) Any agreement or award under this section which relates to the profits of local taxation licences shall, so far as it so relates, be carried out in accordance with regulations made by the Secretary of State.

(9) Subsection (8) above shall apply to—

(a) an adjustment made under section 151 of the 1933 Act, whether as originally enacted or as applied by any other enactment or any instrument made under any Act; and

(b) an adjustment made under section 32 or 62 of the <sup>M5</sup>Local Government Act 1888, whether as originally enacted or as so applied, and consequent on an alteration of areas effected after 31st March 1930;

as it applies in relation to an agreement or award under this section.

#### Textual Amendments

**F58** S. 68(6)(7) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

#### Marginal Citations

**M5** 1888 c. 41.

## 69 Variation and revocation of orders under Part IV, etc. **E+W**

(1) The power conferred by section 266 below to vary and revoke orders under this Act shall, in the case of orders under this Part of this Act, apply only in relation to any supplementary provision contained in any such order, and an order varying or revoking any such provision shall only be made after compliance with subsections (2) and (3) below.

(2) The Secretary of State or district council proposing to make any such varying or revoking order shall prepare a draft of the order, shall send copies of the draft to such local or public authorities as appear to him or them to be concerned, and shall give public notice, in such manner as appears to him or them sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at a place specified in the notice and that representations with respect to the draft may be made to him or them within two months of the publication of the notice.

(3) The Secretary of State or district council shall consider any representations duly made with respect to the draft and may, if he or they think fit, make an order either in the form of the draft or subject to modifications.

(4) The Secretary of State or a district council may cause a local inquiry to be held with respect to the draft and section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this subsection by a district council with the substitution for references to a Minister of references to the council.

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(5) Any supplementary provision contained in an order made by a Minister of the Crown under any of the following enactments (being enactments making provision corresponding to some or all of the foregoing provisions of this Part of this Act), that is to say—

- (a) section 46 of the <sup>M6</sup>Local Government Act 1929;
- (b) Part VI of the 1933 Act;
- (c) Part II of the <sup>M7</sup>Local Government Act 1958;
- (d) section 6 of the 1963 Act;
- (e) any enactment repealed by the 1933 Act and corresponding to any enactment in the said Part VI;

may be varied or revoked by an order made by the Secretary of State, and subsections (2) to (4) above shall apply in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.

(6) Any supplementary provision contained in an order made under any of the enactments mentioned in subsection (5) above by a county council may be varied or revoked in relation to any new district to which or part of which that provision relates by an order made by the council of the district, and subsections (2) to (4) above shall apply with all necessary modifications in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.

(7) In this section “supplementary provision” means any such provision as could be made by an order under this Part of this Act by virtue of section 67 above or section 255 below.

#### Marginal Citations

- M6** 1929 c. 17.  
**M7** 1958 c. 55.

#### Miscellaneous

### 70 **Restriction on promotion of Bills for changing local government areas, etc.** **E** **+W**

[<sup>F59</sup>[<sup>F60</sup>No] local authority or a joint authority . . . <sup>F61</sup>] shall have power to promote a bill for forming or abolishing any local government area . . . <sup>F62</sup> or for altering, or altering the status or electoral arrangements of, any local government area . . . <sup>F62</sup>.

#### Textual Amendments

- F59** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 1**
- F60** Word substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 41**
- F61** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F62** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 1** and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

- C22** S. 70 amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(a)  
**C23** S. 70 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(a)  
**C24** S. 70 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

## 71 Modification of seaward boundaries of local government areas. **E+W**

- (1) [<sup>F63</sup>The Welsh Commission] may at any time review so much of the boundary of any county as lies below the high-water mark of medium tides and does not form a common boundary with another county and may make proposals to the Secretary of State for making alterations to any part of the boundary so as to include in the county any area of the sea which at the date of the proposals is not, in whole or in part, comprised in any other county or to exclude from the county any area of the sea which at that date is comprised in the county.
- (2) The Secretary of State may direct [<sup>F63</sup>the Welsh Commission] to conduct a review under this section of a particular boundary or not to undertake during a specified period such a review of a particular boundary, and may give [<sup>F63</sup>the Welsh Commission] directions for their guidance in conducting a review and making proposals under this section.
- (3) Subsections (1), (2), (5), (6) and (7) of section 60 above shall apply in relation to a review under this section as they apply in relation to a review under the provisions of this Part of this Act which precede that section.
- (4) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section, either as submitted to him or with modifications.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F63** Words in s. 71(1)(2) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 16(1)(2); S.I. 1992/2371, art. 2

## 72 Accretions from the sea, etc. **E+W**

- (1) Subject to subsection (3) below, every accretion from the sea, whether natural or artificial, and any part of the sea-shore to the low water-mark, which does not immediately before the passing of this Act form part of a parish shall be annexed to and incorporated with—
  - (a) in England, the parish or parishes which the accretion or part of the sea-shore adjoins, and
  - (b) in Wales, the community or communities which the accretion or part of the sea-shore adjoins,
 in proportion to the extent of the common boundary.
- (2) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a parish or community under this section shall be annexed to and incorporated with the district and county in which that parish or community is situated.

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- (3) In England, in so far as the whole or part of any such accretion from the sea or part of the sea-shore as is mentioned in subsection (1) above does not adjoin a parish, it shall be annexed to and incorporated with the district which it adjoins or, if it adjoins more than one district, with those districts in proportion to the extent of the common boundary; and every such accretion or part of the sea-shore which is annexed to and incorporated with a district under this section shall be annexed to and incorporated with the county in which that district is situated.

### 73 **Alteration of local boundaries consequent on alteration of water-course.** **E+W**

- (1) Where, in the exercise of any power [<sup>F64</sup>conferred by the conferred by the Water Resources Act 1991, the Land Drainage Act 1991 or] any other enactment, a water-course forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Secretary of State.
- (2) If after consultation with [<sup>F65</sup>the Local Government Commission for England] or the Welsh Commission, as the case may require, the Secretary of State is satisfied that, having regard to the alteration specified in the notice, a new boundary line may conveniently be adopted, he may by order declare that such line as may be specified in the order (whether or not consisting wholly or in part of the line of the water-course as altered) shall be substituted for so much of the boundary line as, before the alteration, lay along the line of the water-course; and where such an order is made the limits of the areas of which the water-course, before the alteration, was the boundary shall be deemed to be varied accordingly.
- (3) The Secretary of State shall, in such manner as he thinks appropriate, publish notice of any order made by him under this section.

#### Textual Amendments

- F64** Words in s. 73(1) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 2(1), 4(2), [Sch. 1](#), para. 22(1).
- F65** Words in s. 73(2) substituted (31.10.1992) by [Local Government Act 1992](#) (c. 19), s. 27(1), [Sch. 3 para.17](#); S.I. 1992/2371, [art. 2](#)

### 74 **Change of name of county, district or London borough.** **E+W**

- (1) Subject to subsection (5) below, the council of a county, district or London borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the county, district or borough.
- (2) Where the name of a district which has been granted the status of a city, borough or royal borough or the name of a London borough is changed in pursuance of this section, the charter or other grant or incorporation order shall have effect as if the new name were substituted for the old.
- (3) Notice of any change of name made under this section [<sup>F66</sup>or by virtue of a resolution under section 21(5) above]—

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- (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published in such manner as the Secretary of State may direct.
- (4) A change of name made in pursuance of this section [<sup>F66</sup>or by virtue of a resolution under section 21(5) above] shall not affect any rights or obligations of any county, district or London borough or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- (5) The name of a county or district shall not be changed under this section before 1st April 1978 unless the change is made with the consent of the Secretary of State.

#### Textual Amendments

**F66** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 4](#)

#### 75 Change of name of parish. **E+W**

- (1) At the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.
- (2) Notice of any change of name made under this section—
- (a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published by the district council in the parish and elsewhere in such manner as they consider appropriate.
- (3) A change of name made in pursuance of this section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

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

**C25** [S. 75](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)

#### 76 Change of name of community. **E+W**

- (1) At the request of the community council or, where there is no community council, at the request of a community meeting, the council of the district in which the community is situated may change the name of the community.
- (2) Notice of any change of name made under this section [<sup>F67</sup>or by virtue of a resolution under section 33(2B) above]—
- (a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published by the district council in the community and elsewhere in such manner as they consider appropriate.



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- (3) A change of name made in pursuance of this section [<sup>F67</sup>or by virtue of a resolution under section 33(2B) above] shall not affect any rights or obligations of any community or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

**Textual Amendments**

**F67** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 5](#)

<sup>F68</sup>77 ..... **E+W**

**Textual Amendments**

**F68** [S. 77](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**78 Supplementary. **E+W****

- (1) In this Part of this Act—
- “electoral arrangements” means—
    - (a) in relation to a principal area, the number of councillors of the council for that area, the number and boundaries of the electoral areas into which that area is for the time being divided for the purpose of the election of councillors, the number of councillors to be elected for any electoral area in that principal area and the name of any electoral area;
    - (b) in relation to a parish or community council or a common parish or community council, the number of councillors, the question whether the parish or community or any parish or community, as the case may be, should or should not be or continue to be divided into wards for the purpose of the election of councillors, the number and boundaries of any such wards, the number of councillors to be elected for any such ward or in the case of a common parish or community council for each parish or community and the name of any such ward;
    - (c) <sup>F69</sup> .....
      - “local government area” includes the City, the Inner Temple and the Middle Temple;
      - “public body” includes any compensation authority for the purposes of the <sup>M8</sup>Licensing Act 1964.
      - “substantive change” has the meaning assigned to it by [<sup>F70</sup>section 54(1) (e)] above.
- (2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State, [<sup>F71</sup>the Welsh Commission] and every district council shall so far as is reasonably practicable comply with the rules set out [<sup>F72</sup>in Schedule 11 to this Act].

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### Textual Amendments

- F69** S. 78(1)(c) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), **Sch. 9 Pt. II para. 2(6)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F70** Words in the definition of "substantive change" in s. 78(1) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), **Sch. 3 para. 18(1)**; S.I. 1992/2371, **art. 2**
- F71** Words in s. 78(2) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), **Sch. 3 para. 18(2)**; S.I. 1992/2371, **art. 2**
- F72** Words substituted by virtue of [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 12 Pt. II para. 42**

### Marginal Citations

- M8** 1964 c. 26.

## PART V E+W

### GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

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

- C26** Pt. 5 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 9(8)**
- C27** Pt. 5 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 20(6)**
- C28** Pt. V (ss. 79-100) applied (12.4.1994) by [S.I. 1994/867](#), **reg. 11(6)**  
 Pt. V (ss. 79-100) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**

### *Qualifications and disqualifications*

## 79 **Qualifications for election and holding office as member of local authority.** E+W

- (1) A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is a British subject or a citizen of the Republic of Ireland and on the relevant day he has attained the age of twenty-one years and—
- (a) on that day he is and thereafter he continues to be a local government elector for the area of the authority; or
  - (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or
  - (c) his principal or only place of work during that twelve months has been in that area; or
  - (d) he has during the whole of those twelve months resided in that area; or
  - (e) in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.
- (2) In this section “relevant day”, in relation to any candidate, means—

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- (a) except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and
- (b) in the said excepted case, the day of election.

<sup>F73</sup>(3) . . . . .

**Textual Amendments**

**F73** S. 79(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 2**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

- C29** S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**  
S. 79: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
- C30** S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
- C31** S. 79 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**

**80 Disqualifications for election and holding office as member of local authority. E**

+W

- (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he—
  - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a <sup>F74</sup> . . . joint committee on which the authority are represented or by any person holding any such office or employment; or
  - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
  - <sup>F75</sup>(c) . . . . .
  - (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
  - (e) is disqualified for being elected or for being a member of that authority under Part III of the [<sup>F76</sup>Representation of the People Act 1983] or under [<sup>F77</sup>Part III of the Local Government Finance Act 1982].
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—
  - (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
  - (b) a joint board [<sup>F78</sup>, joint authority] or joint committee on which the authority are represented and any member of which is so appointed;shall be disqualified for being elected or being a member of that other local authority.

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- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- <sup>F79</sup>(4) . . . . .
- (5) For the purposes of subsection (1) <sup>F80</sup> . . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the <sup>F80</sup> . . . conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the <sup>F80</sup> . . . conviction, <sup>F80</sup> . . .
- <sup>F81</sup>(6) . . . . .

#### Textual Amendments

- F74** Words repealed by virtue of [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 1(3)(a), 194(4), **Sch. 12 Pt. II**
- F75** [S. 80\(1\)\(c\)](#) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38(5), **Sch. 6 Pt. IV**
- F76** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 12**
- F77** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, **Sch. 5 para. 5(1)**
- F78** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F79** [S. 80\(4\)](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 139(3), 140, **Sch. 8**
- F80** Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38(5), **Sch. 6 Pt. IV**
- F81** [S. 80\(6\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 3(2)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

- C32** [S. 80](#) applied (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
[S. 80](#) applied (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C33** [S. 80](#): certain functions transferred (subject to modifications) (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**  
[S. 80](#): certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C34** [S. 80\(1\)\(a\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C35** [S. 80\(1\)\(a\)](#) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(b)**
- C36** [S. 80\(1\)\(e\)](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 92(7) and by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 191(5), 231(7), 235(6)
- C37** [S. 80\(2\)\(b\)](#) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C38** [S. 80\(2\)\(b\)](#) modified by [S.I. 1987/2110](#), art. 2, **Sch. 1 para. 3(b)**

## 81 Exceptions to provisions of section 80. **E+W**

- [<sup>F82</sup>(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.]
- (2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any

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other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

<sup>F83</sup>(3) . . . . .

<sup>F84</sup>(3A) . . . . .

(4) Section 80(2) and (3) above shall not operate so as to disqualify—

(a) any person by reason of his being a teacher, or otherwise employed, in a school, <sup>F85</sup> . . . or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council; or

<sup>F86</sup>(b) . . . . .

**Textual Amendments**

**F82** S. 81(1) substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 8 para. 22, **Sch. 9 para. 11(2)**

**F83** S. 81(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**F84** S. 81(3A) repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7

**F85** Word repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

**F86** S. 81(4)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

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

**C39** S. 81 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.

S. 81: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.

S. 81 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

**C40** S. 81 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**

S. 81: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**

**C41** S. 81(1)(2) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**

**82 Validity of acts done by unqualified persons.** **E+W**

[<sup>F87</sup>(1)] The acts and proceedings of any person elected to an office under this Act [<sup>F88</sup>or elected or appointed to an office under Part <sup>F89</sup> . . . IV of the Local Government Act 1985] and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[<sup>F90</sup>(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.]

**Textual Amendments**

**F87** S. 82 renumbered as s. 82(1) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**

**F88** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 4**

**F89** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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**F90** S. 82(2) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(2)**

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

- C42** S. 82 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
- C43** S. 82 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**
- C44** S. 82 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
S. 82 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**  
S. 82 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C45** S. 82: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
S. 82: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C46** S. 82(1) applied (with modifications) (5.12.1995) by: S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
S. 82(1) applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
S. 82(1) applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

*Acceptance, resignation and vacation of office, and casual vacancies*

**83 Declaration of acceptance of office. E+W**

- (1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, . . . <sup>F91</sup> councillor of the council of a county, district or London borough . . . <sup>F92</sup> shall not, unless he has made a declaration of acceptance of office in a form prescribed by [<sup>F93</sup>an order made by the Secretary of State], and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration.
- (2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.
- (3) The declaration shall be made before either—
  - (a) two members of the council to which the declarant is elected; or
  - (b) the proper officer of the council; or
  - (c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man; or
  - (d) a commissioner appointed to administer oaths in the Supreme Court.
- (3A) . . . . . <sup>F94</sup>
- (4) A person elected to the office of chairman of a parish or community council or parish or community councillor shall—
  - (a) in the case of the chairman, at the meeting at which he is elected;
  - (b) in the case of a councillor, before or at the first meeting of the parish or community council after his election; or

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- (c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office in a form prescribed by [<sup>F93</sup>an order made by the Secretary of State], and if he fails to do so his office shall thereupon become vacant.

- (5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

#### Textual Amendments

**F91** Words repealed by S.I. 1977/1710, art. 3(c)

**F92** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F93** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 30(2)

**F94** S. 83(3A) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 5) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

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

**C47** S. 83 excluded by Local Government Act 1985 (c. 51, SIF 81:1), ss. 84(2)(b), 86(9)

**C48** S. 83 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 31(7)

## 84 Resignation. **E+W**

[<sup>F95</sup>(1)] A person elected to any office under this Act may at any time resign his office by written notice delivered—

- (a) except in a case falling within paragraph (b), (c) or (d) below, to the proper officer of the council;
- (b) in the case of a person elected to a corporate office in a London borough, to the proper officer of the borough;
- (c) in the case of a parish or community councillor, to the chairman of the parish or community council;
- (d) in the case of a chairman of a parish or community council or of a parish meeting, to the council or the meeting, as the case may be;

and his resignation shall take effect upon the receipt of the notice by the person or body to whom it is required to be delivered.

[<sup>F96</sup>(2) A person elected or appointed to an office under Part . . . <sup>F97</sup> IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer.]

#### Textual Amendments

**F95** S. 84 renumbered as s. 84(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 6

**F96** S. 84(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 6

**F97** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

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

**C49** S. 84 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.

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- S. 84: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
- S. 84 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C50** S. 84 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- S. 84: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C51** S. 84(2) amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
- C52** S. 84(2) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 4**

## 85 Vacation of office by failure to attend meetings. **E+W**

- (1) Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.
- (3) A member of any branch of Her Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority if the failure is due to that employment.

[<sup>F98</sup>(4) In this section "local authority" includes a joint authority . . . <sup>F99</sup>]

### Textual Amendments

- F98** S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 7**
- F99** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C53** S. 85 applied by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 9(10), 23(2), 27(2), **Sch. 4 para. 3**
- C54** S. 85 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- S. 85: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C55** S. 85 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
- S. 85: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.
- S. 85 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 8** (with ss. 7(6), 115, 117, Sch. 8 para. 7)



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**C56** S. 85(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(c)**

## **86 Declaration by local authority of vacancy in office in certain cases. E+W**

[<sup>F100</sup>(1)] Where a member of a local authority—

- (a) ceases to be qualified to be a member of the authority; or
- (b) becomes disqualified for being a member of the authority otherwise than [<sup>F101</sup>under Part III of the Local Government Finance Act 1982 or by virtue of], a conviction or a breach of any provision of Part II of the [<sup>F102</sup>Representation of the <sup>M9</sup>People Act 1983]; or
- (c) ceases to be a member of the authority by reason of failure to attend meetings of the authority;

the authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant.

[<sup>F103</sup>(2) In this section “local authority” includes a joint authority <sup>F104</sup> . . . ]

### **Textual Amendments**

**F100** The provisions of s. 86 become s. 86(1) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**

**F101** Words substituted by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 34, Sch. 5 para. 5(2)

**F102** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 12**

**F103** S. 86(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**

**F104** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C57** S. 86(1)(b) amended by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), s. 10(2); by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 92(7) and by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 191(5), 231(7), 235(6)

**C58** S. 86(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(d)**

**C59** S. 86(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(d)**

### **Marginal Citations**

**M9** 1983 c. 2.(42).

## **87 Date of casual vacancies. E+W**

(1) For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy is to be deemed to have occurred shall be—

- (a) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, on the expiration of the period appointed under this Part of this Act for the delivery of the declaration;
- (b) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered;
- (c) in the case of death, on the date of death;
- (d) in the case of a disqualification [<sup>F105</sup>under Part III of the Local Government Finance Act 1982 or by virtue of] conviction, on the expiration of the ordinary

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period allowed for making an appeal or application with respect to the [F106 relevant order or decision under that Part of that Act or (as the case may be) that] conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;

- (e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;
- (f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to (e) above, or ceasing to be a member of a local authority by reason of failure to attend meetings, on the date on which his office is declared to have been vacated either by the High Court or by the local authority, as the case may be; and

(g) ..... F107

(2) Public notice of a casual vacancy in any such office as is referred to in subsection (1) above shall be given by the local authority in which the office exists; and the steps required to be taken to give public notice in accordance with section 232 below shall be taken—

- (a) in a case where the local authority declare the office to be vacant, immediately after the declaration; and
- (b) in any other case, as soon as practicable after the date on which, by virtue of subsection (1) above, the vacancy is deemed to have occurred.

(3) ..... F108

**Textual Amendments**

**F105** Words substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, **Sch. 5 para. 5(3)(a)**

**F106** Words substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, **Sch. 5 para. 5(3)(b)**

**F107** S. 87(1)(g) repealed by S.I. 1977/1710, **art. 3(c)**

**F108** S. 87(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 9**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C60** S. 187(1)(d) amended by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), **s. 10(2)**; by Local Government Act 1985 (c. 51, SIF 81:1), **s. 92(7)** and by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 191(5), 231(7), 235(6)**

**88 Filling of casual vacancy in case of chairman, etc. E+W**

- (1) On a casual vacancy occurring in the office of chairman of any council F109 . . . , an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.
- (2) F110 . . . , a meeting of the council for the election may be convened by the proper officer of the authority.

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<sup>F111</sup>(2A) . . . . .

- (3) In a parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall be convened for the purpose of filling the vacancy forthwith.

**Textual Amendments**

**F109** Words repealed by S.I. 1977/1710, art. 3(c)

**F110** Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

**F111** S. 88(2A) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 10(1)) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

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

**C61** S. 88(1)(2) applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1

S. 88(1)(2): certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1

**C62** S. 88(1)(2) applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.

S. 88(1)(2): certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch.1.

**89 Filling of casual vacancies in case of councillors. E+W**

- (1) Subject to the provisions of this section, on a casual vacancy occurring in the office of councillor for any principal area, an election to fill the vacancy shall be held—
- (a) in a case in which the High Court or the council have declared the office to be vacant, within [<sup>F112</sup>thirty-five days] (computed in accordance with section 243(4) below) from the date of the declaration;
- (b) in any other case, within [<sup>F112</sup>thirty-five days] (so computed) after notice in writing of the vacancy has been given to the proper officer of the authority by two local government electors for the area.
- (2) The day of election to fill a casual vacancy in any office mentioned in subsection (1) above shall be fixed by the returning officer <sup>F113</sup> . . .
- (3) Where a casual vacancy in any such office occurs within six months before the day on which the councillor whose office is vacant would regularly have retired, an election shall not be held under subsection (1) above unless on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members; and where an election under subsection (1) above is not held, the vacancy shall be filled at the next ordinary election.

<sup>F114</sup>(3A) . . . . .

- (4) Where more than one casual vacancy in the office of councillor of a district in which councillors are elected by thirds is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.

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- (5) Where an election to fill one or more casual vacancies in the office of councillor of any such district is combined with an ordinary election of councillors, the following provisions shall apply—
- (a) where an election is contested—
    - (i) the persons who are elected by the smallest numbers of votes, or if any relevant votes are equal such persons as are determined by lot, shall be deemed elected to fill the casual vacancies;
    - (ii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes or, if the relevant votes are equal, such person as is determined by lot, shall hold office for the shorter period, and so with respect to the others;
  - (b) where the election is not contested—
    - (i) those declared elected (if fewer than the vacancies to be filled) shall be deemed elected to fill the vacancies in which they will hold office for the longest periods;
    - (ii) where there are two or more persons declared elected and they are to fill vacancies in which they will hold office for different periods, any retiring councillors elected shall be deemed elected to fill the vacancies in which they will hold office for the longest period, and the question which of the persons declared elected who are not retiring councillors is to be deemed elected to fill any of the vacancies not filled by retiring councillors shall be determined by lot.
- (6) A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under <sup>F115</sup>section 36 of the Representation of the People Act 1983].
- (7) Where under this section any question is required to be determined by lot—
- (a) in the case of a contested election, the lot shall be drawn by the returning officer immediately after the question has arisen; and
  - (b) in any other case, the lot shall be drawn at the next meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

#### Textual Amendments

- F112** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(c)**, 29 (by [S.I. 1985/1080, art. 4\(5\)](#)) it is provided that the amendment made by s. 19(6)(c) shall not have effect for the purposes of any vacancy which occurred before 16.2.87)
- F113** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F114** [S. 89\(3A\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 10(2)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F115** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 13**

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

- C63** [S. 89](#) excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 84(2)(b)**, 86(9)
- C64** [S. 89](#) modified (8.3.1995) by [S.I. 1995/610, art. 9\(4\)](#)  
[S. 89](#) applied (with modifications)(1.11.1995) by [S.I. 1995/1747, art. 2](#)  
[S. 89](#) applied (with modifications)(12.7.1995) by [S.I. 1995/1769, art. 12\(2\)](#)

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- S. 89 modified (12.7.1995) by S.I. 1995/1770, **art. 14(3)**; S.I. 1995/1771, **art. 11(2)**; S.I. 1995/1772, **art. 10(2)**; S.I. 1995/1773, **art. 10(3)**; S.I. 1995/1774, **art. 10(3)**; S.I. 1995/1775, **art. 11(2)**; S.I. 1995/1776, **art. 10(2)**; S.I. 1995/1779, **art. 11(2)**
- S. 89 applied (with modifications)(1.3.1996) by S.I. 1996/507, **art. 10(2)**
- S. 89 applied (with modifications)(19.7.1996) by S.I. 1996/1865, **art. 8(2)**; S.I. 1996/1866, **art. 8(2)**; S.I. 1996/1867, **art. 11(2)**; S.I. 1996/1868, **art. 8(2)**; S.I. 1996/1875, **art. 9(2)**; S.I. 1996/1876, **art. 12(2)**; S.I. 1996/1878, **art. 11(2)**; S.I. 1996/1879, **art. 15(2)**
- C65** S. 89 excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), **art. 12(2)**
- C66** S. 89 excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), **art. 12(2)**
- C67** S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 5(3)**
- C68** S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 12(2)**
- C69** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 5(3)**
- C70** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 12(2)**
- C71** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 23(2)**
- C72** S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 24(2)**
- C73** S. 89 excluded (25.3.2010) by The Norwich and Norfolk (Structural Changes) Order 2010 (S.I. 2010/997), arts. 1, **11(2)**
- S. 89 excluded (25.3.2010) by The Exeter and Devon (Structural Changes) Order 2010 (S.I. 2010/998), arts. 1, **11(2)**
- C74** S. 89(1) excluded (29.8.2008) by The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 (S.I. 2008/2113), **reg. 13**
- C75** S. 89(3) modified (5.11.2008) by The Local Elections (Ordinary Day of Elections in 2009) Order 2008 (S.I. 2008/2857), **art. 5**
- C76** S. 89(3) applied (with modifications) (13.3.2004) by The Local Elections (Ordinary Day of Election 2004) Order 2004 (S.I. 2004/222), **art. 3(a)**

## 90 Term of office of persons filling casual vacancies. **E+W**

A person elected or appointed under the foregoing provisions of this Act in England or Wales [<sup>F116</sup>or under Part <sup>F117</sup>. . . IV of the Local Government Act 1985] to fill any casual vacancy, or elected under the 1933 Act in England to fill a casual vacancy in the office of chairman of a parish council or parish meeting or of parish councillor, shall hold office until the date upon which the person in whose place he is elected [<sup>F116</sup>or appointed] would regularly have retired, and he shall then retire.

### Textual Amendments

**F116** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 11**

**F117** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

**C77** S. 90 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**

**C78** S. 90 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**

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## **91 Temporary appointment of members of parish and community councils. E+W**

- (1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.
- (2) In the case of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts, the reference in subsection (1) above to the district council shall be construed as a reference to the council of the district in which there is the greater number of local government electors for the parishes in the group.
- (3) Two copies of every order made under this section shall be sent to the Secretary of State.

### *Proceedings for disqualification*

## **92 Proceedings for disqualification. E+W**

- (1) Proceedings against any person on the ground that he acted or claims to be entitled to act as a member of a local authority while disqualified for so acting within the meaning of this section may be instituted by, and only by, any local government elector for the area concerned—
  - (a) in the High Court or a magistrates' court if that person so acted;
  - (b) in the High Court if that person claims to be entitled so to act;
 but proceedings under paragraph (a) above shall not be instituted against any person after the expiration of more than six months from the date on which he so acted.
- (2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority while disqualified for so acting, then—
  - (a) if the proceedings are in the High Court, the High Court may—
    - (i) make a declaration to that effect and declare that the office in which the defendant has acted is vacant;
    - (ii) grant an injunction restraining the defendant from so acting;
    - (iii) order that the defendant shall forfeit to Her Majesty such sum as the court think fit, not exceeding £50 for each occasion on which he so acted while disqualified;
  - (b) if the proceedings are in a magistrates' court, the magistrates' court may, subject to the provisions of this section, convict the defendant and impose on him a fine not exceeding [F118]level 3 on the standard scale] for each occasion on which he so acted while disqualified.
- (3) Where proceedings under this section are instituted in a magistrates' court, then—
  - (a) if the court is satisfied that the matter would be more properly dealt with in the High Court, it shall by order discontinue the proceedings;
  - (b) if the High Court, on application made to it by the defendant within fourteen days after service of the summons, is satisfied that the matter would be more properly dealt with in the High Court, it may make an order, which shall not be subject to any appeal, requiring the magistrates' court by order to discontinue the proceedings.

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- (4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority and is disqualified for so acting, the court may make a declaration to that effect and declare that the office in which the defendant claims to be entitled to act is vacant and grant an injunction restraining him from so acting.
- (5) No proceedings shall be instituted against a person otherwise than under this section on the ground that he has, while disqualified for acting as a member of a local authority, so acted or claimed to be entitled so to act.
- (6) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority—
- if he is not qualified to be, or is disqualified for being, a member of the authority; or
  - if by reason of failure to make and deliver the declaration of acceptance of office within the period required, or by reason of resignation or failure to attend meetings of the local authority, he has ceased to be a member of the authority.
- [<sup>F119</sup>(7) In this section “local authority” includes a joint authority <sup>F120</sup>. . .; and in relation to a joint authority the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for any local government area in the area for which the authority is established.]
- [<sup>F121</sup>(8) In relation to the Broads Authority, the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for the area of any of the local authorities mentioned in section 1(3) (a) of the Norfolk and Suffolk Broads Act 1988.]

#### Textual Amendments

**F118** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**F119** [S. 92\(7\)](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 12**

**F120** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F121** [S. 92\(8\)](#) added by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(3)**

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

**C79** [S. 92](#) applied (in part) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), **art. 6(2)**

**C80** [S. 92](#) applied by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 14, 225(2), **Sch. 4, Pt. I, para. 3(6)**.

**C81** [S. 92](#) extended by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 3(9), **Sch. 1 para. 8(5)**

**C82** [S. 92](#) applied by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 9(5)**

**C83** [S. 92](#) applied (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

[S. 92](#): certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

[S. 92](#) applied (1.4.1996) by [1995 c. 25, s. 19, Sch. 5 Pt. I para. 3\(6\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

[S. 92](#) applied (with modifications)(19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\), Sch. 7 para. 7\(3\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

[S. 92](#) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**

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- S. 92 applied (with modifications)(14.12.1999) by 1999 c. 29, s. 23 (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- C84** S. 92 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1  
 S. 92: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
- C85** S. 92 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 12(3)  
 S. 92 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 12(3)
- C86** S. 92 applied in part (with modifications) (7.7.2005) by The North Northamptonshire Joint Committee Order 2005 (S.I. 2005/1552), art. 6(2)
- C87** S. 92(7) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(e)
- C88** S. 92(7) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(e)

### *Restrictions on voting*

**F122** 93 ..... **E+W**

#### **Textual Amendments**

**F122** S. 93 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

#### **94 Disability of members of authorities for voting on account of interest in contracts, etc. **E+W****

- (1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding [<sup>F123</sup>level 4 on the standard scale] unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.
- (5) The following, that is to say—
  - (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;
  - (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below [<sup>F124</sup> or under any scheme



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made by virtue of section 18 of the Local Government and Housing Act 1989] or his right to receive, or the possibility of his receiving, any such payment; shall not be treated as a pecuniary interest for the purposes of this section.

#### Textual Amendments

**F123** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**F124** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), **Sch. 11 para. 22**

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

**C89** [Ss. 94-96](#) applied (01.12.1991) with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, **Sch. 4, Pt. II, para. 14(1)**.

**C90** [S. 94](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 74(12)**

**C91** [S. 94](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 1 para. 14B(1)**, as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), **Sch. 4 para. 6**

**C92** [S. 94](#) applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**

[S. 94](#): certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**

**C93** [S. 94](#) applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

[S. 94](#): certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

## 95 Pecuniary interests for purposes of section 94. **E+W**

- (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—
- he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
  - he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
- (2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

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

**C94** [Ss. 94-96](#) applied and certain functions transferred (01.12.1991) with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, **Sch. 4, Pt. II, para. 14(1)**.

**C95** [Ss. 95, 96](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 1 para. 14B(1)**, as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), **Sch. 4 para. 6**

**C96** [Ss. 94-98](#) excluded (27.11.2001temp. until 27.7.2002) by [S.I. 2001/3576](#), **art. 3(1)(a)**  
[Ss. 94-98](#) excluded (27.11.2001temp. until 27.7.2002) by [S.I. 2001/3578](#), **art. 3(1)(a)**

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- C97** S. 95 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
 S. 95: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
 Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
 Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
 Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
 Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**  
 Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
 Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, **art. 3**  
 Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
 Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
 S. 95 applied (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 13(9)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**  
 Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (*temp.*) by S.I. 2001/1517, **art. 7**
- C98** S. 95 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
 S. 95: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

## 96 General notices and recording of disclosures for purposes of section 94. E+W

- (1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.
- (2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

### Modifications etc. (not altering text)

- C99** Ss. 94-98 applied (01.12.1991) with modifications by [Water Resources Act 1991](#) (c. 57, SIF 130), s. 14, **Sch. 4, Pt. II, para. 14(1)**.
- C100** Ss. 95, 96 applied with modifications by virtue of [Land Drainage Act 1976](#) (c. 70, SIF 73:1), **Sch. 1 para. 14B(1)**, as inserted by [Water Act 1983](#) (c. 23, SIF 130), s. 11(2), **Sch. 4 para. 6**
- C101** S. 96 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
 S. 96: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.

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- C102** S. 96 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
S. 96: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**  
Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/186, **art. 3**  
Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 96 applied (with modifications)(8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 13(10)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**  
Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (*temp.*) by S.I. 2001/1517, **art. 7**
- C103** S. 96 excluded (16.1.1990 to a certain extent and 8.5.1992 otherwise) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 19(4); S.I. 1989/2445, **art. 4**; S.I. 1992/760, **art.2**.
- C104** Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(a)**  
Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3578, **art. 3(1)(a)**

## 97 Removal or exclusion of disability, etc. **E+W**

- (1) The district council, as respects a member of a parish or community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the district council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the district council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.
- (2) The power of a district council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as <sup>F125</sup>a person who is liable <sup>F126</sup>to

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pay an amount in respect of any community charge or in respect of council tax] or who would be so liable but for any enactment or anything provided or done under any enactment or as] a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.
- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed [<sup>F127</sup>£5,000] or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

#### Textual Amendments

- F125** Words inserted by [S.I. 1990/10, art. 2](#)
- F126** Words in s. 97(4) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 117\(1\), Sch. 13 para. 32](#) (with s. 118(1)(2)(4)); [S.I. 1992/2454, art. 3\(1\)\(a\)](#)
- F127** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 194\(1\), Sch. 11 para. 23](#)

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

- C105** Ss. 94-98 applied with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\), s. 14, Sch. 4, Pt. II, para. 14\(1\)](#).
- C106** [S. 97](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73\), Sch. 1 para. 14B\(1\)](#), as inserted by [Water Act 1983 \(c. 23, SIF 130\), s. 11\(2\), Sch. 4 para. 6](#)
- C107** [S. 97](#) applied (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch.1](#).  
[S. 97](#): certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch.1](#).
- C108** [S. 97](#) applied (10.01.1992) by [S.I. 1991/2913, arts. 6, 8, Sch. 1](#).  
[S. 97](#): certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913, arts. 6, 8, Sch. 1](#).  
[Ss. 94-98](#) extended (19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\), Sch. 7 para. 10\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
[Ss. 94-98](#) applied (with modifications)(11.12.1995) by [S.I. 1995/3218, art. 2, Sch. para. 20\(1\)](#); [S.I. 1995/3229, art. 2, Sch. para. 20\(1\)](#); [S.I. 1995/3230, art. 2, Sch. para. 20\(1\)](#)  
[Ss. 94-98](#) applied (with modifications)(5.12.1995) by [S.I. 1995/3132, art. 2, Sch. para. 20\(1\)](#); [S.I. 1995/3133, art. 2, Sch. para. 20\(1\)](#)  
[Ss. 94-99](#) applied (with modifications)(5.12.1995) by [S.I. 1995/3127, art. 2, Sch. para. 20\(1\)](#)  
[Ss. 94-98](#) applied (with modifications)(8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. I](#)
- C109** [S. 97\(1\)-\(3\)](#) applied (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 106\(5\)](#) (with s. 118(1)(2)(4))

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## 98 Interpretation of sections 95 and 97. **E+W**

(1) In sections 95 and 97 above “securities”<sup>F128</sup> means—]

- <sup>F128</sup>(a) investments falling within any of paragraphs 1 to 6 of Schedule 1 to the Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any society registered under the Industrial and Provident Societies Act 1965 or any building society within the meaning of the <sup>M10</sup> Building Societies Act 1986.]

<sup>F129</sup>(1A) In sections 94 and 97 above “local authority” includes a joint authority . . . <sup>F130</sup> and in section 94(5)(a) above “principal council” includes any such authority.]

(2) In section 95 above “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the <sup>M11</sup> National Trust Act 1907.

### Textual Amendments

**F128** S. 98(1)(a)(b) and word substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), **Sch. 16 para. 8(a)**

**F129** S. 98(1A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 13**

**F130** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

**C110** Ss. 94-98 applied with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, **Sch. 4, Pt. II, para. 14(1)**.

**C111** S. 98 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

S. 98: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.

**C112** S. 98 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch.1**.

S. 98: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch.1**.

**C113** S. 98(1A) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(f)**

**C114** S. 98(1A) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(f)**

### Marginal Citations

**M10** 1986 c.53 (16).

**M11** 1907 c. cxxxvi.

## Meetings and proceedings

## 99 Meetings and proceedings of local authorities. **E+W**

The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities [<sup>F131</sup>, joint authorities, . . . <sup>F132</sup>] and their committees, parish meetings and their committees and community meetings.

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### Textual Amendments

- F131** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 14**  
**F132** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C115** S. 99 amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(g)**  
**C116** S. 99 modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(g)**  
**C117** S. 99 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch.1**.  
 S. 99: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch.1**.  
**C118** S. 99 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.  
 S. 99: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.Sch.1**.

## 100 Admission of public and press to local authority committee meetings. **E+W**

- (1) For the purpose of securing the admission, so far as practicable, of the public (including the press) to all meetings of committees of local authorities as well as to meetings of local authorities themselves, the <sup>M12</sup>Public Bodies (Admission to Meetings) Act 1960 (in this section referred to as “the 1960 Act”) shall have effect subject to the following provisions of this section.
- (2) Without prejudice to section 2(1) of the 1960 Act (application of section 1 of that Act to any committee of a body whose membership consists of or includes all members of that body) section 1 of the 1960 Act shall apply <sup>F133</sup>. . . to any committee appointed by one or more local authorities under section 102 below, not being a committee falling within section 2(1) of the 1960 Act [<sup>F134</sup>or section 100E(3)(a) or (b) below (whether or not by virtue of section 100J below)].
- (3) Where section 1 of the 1960 Act applies to a committee by virtue of subsection (2) above, then, for the purposes of subsection (4)(c) of that section, premises belonging to the local authority or one or more of the local authorities which appointed the committee shall be treated as belonging to the committee.

### Textual Amendments

- F133** Words repealed by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), s. 3, **Sch. 2 para. 61(1)(a)**, Sch. 3  
**F134** Words added by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), s. 3, **Sch. 2 para. 6(1)(b)**

### Modifications etc. (not altering text)

- C119** S. 100 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.  
 S. 100: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.  
**C120** S. 100 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.  
 S. 100: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.  
 S. 100 excluded (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 12(1)(b)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

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## Marginal Citations

**M12** 1960 c. 67.

## [<sup>F135</sup>PART VA E+W

### ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES.]

## Textual Amendments

**F135** Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. **1(1)**

## Modifications etc. (not altering text)

**C121** Pt. 5A applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. **20(6)**

**C122** Pt. 5A applied in part (with modifications) (8.5.2008) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), reg. **8**

**C123** Pt. 5A applied (with modifications) (6.4.2008) by The Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580), art. **9**

**C124** Pt. VA (ss. 100A–100K) modified by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. **3**, Sch. **2 para. 7**

Pt. VA (ss. 100A–100K) modified (11.9.1998) by 1998 c. 18, ss. **10(6)**, 55(2)

Pt. VA (ss. 100A–100K) modified (E.) (2.4.2001) by S.I. 2001/1299, reg. **6(10)(a)**

Pt. VA (ss. 100A–100K) modified (W.) (28.7.2001) by S.I. 2001/2284, reg. **5(1)(a)**

Pt. VA (ss. 100A–100K) modified (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. **24(7)**, 73; S.I. 2005/558, art. **2(1)**, Sch. **1**

**C125** Pt. VA (ss. 100A–100K) extended (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. **67(4)**

Pt. VA (ss. 100A–100K) extended (with modifications) (8.5.2000 and 3.7.2000) by 1999 c. 29, ss. **58**, **61**, **65** (with Sch. **12 para. 9(1)**); S.I. 2000/801, art. **2(2)(b)(c)**, Sch. Pts. **2**, **3**

Pt. VA (ss. 100A–100K) extended (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. **21(11)(a)**, **108(4)-(6)**; S.I. 2000/2849, art. **2(a)**

**C126** Pt. VA (ss. 100A–100K) applied (12.4.1994) by S.I. 1994/867, reg. **11(6)**

Pt. VA (ss. 100A–100K) applied (with modifications) (28.6.1995) by 1995 c. iii, s. **26**, Sch. **1**

Pt. VA (ss. 100A–100K) applied (with modifications) (8.5.2000 for specified purposes otherwise 3.7.2000) by 1988 c. 41, s. **115(3A)** (as inserted (8.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. **131(3)** (with Sch. **12 para. 9(1)**); S.I. 1999/3434, arts. **3**, **4**)

Pt. VA applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. **21(2)(a)**

Pt. VA applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. **21(2)(a)**

Pt. VA (ss. 100A–100K) applied (W.) (28.7.2001) by S.I. 2001/2284, reg. **19(8)**

Pt. VA (ss. 100A–100K) applied (W.) (1.4.2002) by The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002 (S.I. 2002/802), reg. **11(8)(9)**

**C127** Pt. VA (ss. 100A–100K): power to make provisions about matters of the kind dealt with in this part conferred (1.9.1997) by 1997 c. 50, s. **44(1)**, Sch. **4 para. (a)(iii)**; S.I. 1997/1930, art. **2(1)(2)(m)**

Pt. VA (ss. 100A–100K): power to apply or reproduce (with or without modifications) conferred (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) and (W.) (1.11.2000) by 2000 c. 22, s. **22(12)**; S.I. 2000/2187, art. **2(b)**; S.I. 2000/2849, art. **2(b)**; S.I. 2000/2948, art. **2**

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Pt VA (ss. 100A-100K): power to apply or reproduce conferred (W.) (1.11.2000 and 19.12.2000 with application in relation to police authorities in Wales) and (E.) (19.12.2000) by 2000 c. 22, s. 53(12); S.I. 2000/2948, art. 2; S.I. 2000/3335, art. 2

Pt. VA (ss. 100A-100K): power to apply (with or without modifications) conferred (1.1.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 20(11), Sch. 6 para. 5; S.I. 2002/3190, art. 2

Pt. VA (ss. 100A-100K): power to apply (with or without modifications) conferred (1.9.2003) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 19(5), 42(3); S.I. 2003/2246, art. 2

**C128** Pt. 5A applied (with modifications) by S.I. 2001/2812, reg. 7(1) (as substituted (1.3.2006) by The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (S.I. 2006/87), reg. 2(a))

**C129** Pt. 5A: power to apply (with modifications) conferred (1.3.2007) by National Health Service Act 2006 (c. 41), ss. 241(5), 277(1) (subject to s. 277(2)-(5))

**C130** Pt. VA (ss. 100A-100K) (except ss. 100E, 100G, 100J, 100K) applied (28.8.2001) by S.I. 2001/2812, reg. 7(1)(2) (as amended by S.I. 2003/1483, reg. 3(2))

**C131** Pt. VA modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), reg. 9(1)

Pt. VA modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), reg. 16(8)

## [<sup>F136</sup>100A Admission to meetings of principal councils. **E+W**

- (1) A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.
- (2) The public shall be excluded from a meeting of a principal council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- (3) For the purposes of subsection (2) above, “confidential information” means—
  - (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
  - (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
 and, in either case, the reference to the obligation of confidence is to be construed accordingly.
- (4) A principal council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I below.
- (5) A resolution under subsection (4) above shall—
  - (a) identify the proceedings, or the part of the proceedings, to which it applies, and
  - (b) state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public,



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and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.

- (6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—
- (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the council three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
  - (b) while the meeting is open to the public, the council shall not have power to exclude members of the public from the meeting; and
  - (c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.
- (7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.
- (8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.]

#### Textual Amendments

**F136** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 1(1)**

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

**C132** Ss. 100A–100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\)](#), **s. 2(1)**

**C133** Ss. 100A–100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\)](#), **s. 1(1)(2)**

S. 100A applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283](#), **regs. 26, 27**

**C134** S. 100A(4) modified (11.5.2001 for specified purposes, 1.1.2003 for E. and otherwise 1.3.2007) by [2001 c. 15, ss. 9, 70\(2\), Sch. 1 \(with ss. 64\(9\), 65\(4\)\)](#); [S.I. 2003/53](#), **art. 3(a)**; [S.I. 2006/1407](#), **art. 2, Sch. 1 Pt. 2 para. 8**

S. 100A(4) modified (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 246(2), 277(1)** (subject to [s. 277\(2\)-\(5\)](#))

#### [<sup>F137</sup>100B Access to agenda and connected reports. **E+W**

- (1) Copies of the agenda for a meeting of a principal council and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the council in accordance with subsection (3) below.
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of subsection (1) above the whole of any report which, or any part which, relates only to items during which, in his opinion, the meeting is likely not to be open to the public.

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- (3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—
- (a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and
  - (b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda;
- but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.
- (4) An item of business may not be considered at a meeting of a principal council unless either—
- (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—
- (a) every copy of the report or of the part shall be marked “Not for publication”; and
  - (b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates.
- (6) Where a meeting of a principal council is required by section 100A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.
- (7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
- (a) a copy of the agenda for a meeting of a principal council and, subject to subsection (8) below, a copy of each of the reports for the meeting;
  - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda; and
  - (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.]

#### **Textual Amendments**

**F137** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **s. 1(1)**

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

**C135** Ss. 100A-100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)

**C136** Ss. 100A-100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)

S. 100B applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)

### [<sup>F138</sup>100] Inspection of minutes and other documents after meetings. **E+W**

- (1) After a meeting of a principal council the following documents shall be open to inspection by members of the public at the offices of the council until the expiration of the period of six years beginning with the date of the meeting, namely—
- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information;
  - (b) where applicable, a summary under subsection (2) below;
  - (c) a copy of the agenda for the meeting; and
  - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under subsection (1)(a) above does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.]

#### Textual Amendments

**F138** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

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

**C137** Ss. 100A-100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)

**C138** Ss. 100A-100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)

S. 100C applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)

**C139** Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by [The Commission for Patient and Public Involvement in Health \(Membership and Procedure\) Regulations 2002 \(S.I. 2002/3038\), reg. 11, Sch. 2 para. 1\(1\)\(2\)](#)

**C140** Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 151\(7\)\(a\), 324\(1\)\(c\)\(3\) \(with ss. 172\(3\), 185\)](#)

### [<sup>F139</sup>100] Inspection of background papers. **E+W**

- (1) Subject, in the case of section 100C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a principal council are required by section 100B(1) or 100C(1) above to be open to inspection by members of the public—

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- (a) copies of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and
  - (b) at least one copy of each of the documents included in that list, shall also be open to their inspection at the offices of the council.
- (2) Subsection (1) above does not require a copy of the list, or of any document included in the list, to be open to inspection after the expiration of the period of four years beginning with the date of the meeting.
- (3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.
- (4) Nothing in this section—
- (a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above; or
  - (b) without prejudice to the generality of subsection (2) of section 100A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.
- (5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—
- (a) disclose any facts or matters on which, in the opinion of the proper officer, the report or an important part of the report is based, and
  - (b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.]

#### Textual Amendments

**F139** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

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

**C141** Ss. 100A–100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)

**C142** Ss. 100A–100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)

#### [<sup>F140</sup>100E] **Application to committees and sub-committees.** **E+W**

- (1) Sections 100A to 100D above shall apply in relation to a committee or sub-committee of a principal council as they apply in relation to a principal council.
- (2) In the application by virtue of this section of sections 100A to 100D above in relation to a committee or sub-committee—
  - (a) section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent principal council and, if the meeting of the committee or sub-

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- committee to which that section so applies is to be held at premises other than the offices of such a council, at those premises;
- (b) for the purposes of section 100A(6)(c), premises belonging to a constituent principal council shall be treated as belonging to the committee or sub-committee; and
- (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of any constituent principal council shall be treated as offices of the committee or sub-committee.
- (3) Any reference in this Part to a committee or sub-committee of a principal council is a reference to—
- (a) a committee which is constituted under an enactment specified in section 101(9) below or which is appointed by one or more principal councils under section 102 below; or
- (b) a joint committee not falling within paragraph (a) above which is appointed or established under any enactment by two or more principal councils and is not a body corporate; or
- [ the Navigation Committee of the Broads Authority; or]
- <sup>F141</sup>(bb)
- (c) a sub-committee appointed or established under any enactment by one or more committees falling within [<sup>F142</sup>paragraphs (a) to (bb)] above.
- (4) Any reference in this Part to a constituent principal council, in relation to a committee or sub-committee, is a reference—
- (a) in the case of a committee, to the principal council, or any of the principal councils, of which it is a committee; and
- (b) in the case of a sub-committee, to any principal council which, by virtue of paragraph (a) above, is a constituent principal council in relation to the committee, or any of the committees, which established or appointed the sub-committee.]

#### Textual Amendments

**F140** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

**F141** S. 100E(3)(bb) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

**F142** Words substituted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

VALID FROM 12/12/2008

#### [<sup>F143</sup>100EA] **Inspection of records relating to functions exercisable by members** **E+W**

- (1) The Secretary of State may by regulations make provision for written records of decisions made or action taken by a member of a local authority, in exercise of a function of the authority by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, to be made and provided to the authority by the member.

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- (2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.
- (3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F143** S. 100EA inserted (12.12.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 237(1)**, 245; S.I. 2008/3110, **art. 2(i)**

### [<sup>F144</sup>**100FA** Additional rights of access to documents for members of principal councils. **E** **+W**]

- (1) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to sub-section (2) below, be open to inspection by any member of the council.
- (2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to this Act, subsection (1) above does not require the document to be open to inspection.
- (3) The Secretary of State may by order amend subsection (2) above—
  - (a) by adding to the descriptions of exempt information to which that subsection refers for the time being; or
  - (b) by removing any description of exempt information to which it refers for the time being.
- (4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The rights conferred by this section on a member of a principal council are in addition to any other rights he may have apart from this section.]

#### Textual Amendments

**F144** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985](#) (c. 43, SIF 81:1, 2), **s. 1(1)**

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

**C143** S. 100F applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26, 27**

### [<sup>F145</sup>**100CP** Principal councils to publish additional information. **E+W**]

- (1) A principal council shall maintain a register stating—
  - (a) the name and address of every member of the council for the time being and the ward or division which he represents; and

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- (b) the name and address of every member of each committee or sub-committee of the council for the time being.
- (2) A principal council shall maintain a list—
- (a) specifying those powers of the council which, for the time being, are exercisable from time to time by officers of the council in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers; and
- (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable;
- but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.
- (3) There shall be kept at the offices of every principal council a written summary of the rights—
- (a) to attend meetings of a principal council and of committees and sub-committees of a principal council, and
- (b) to inspect and copy documents and to be furnished with documents, which are for the time being conferred by this Part, Part XI below and such other enactments as the Secretary of State by order specifies.
- (4) The register maintained under subsection (1) above, the list maintained under subsection (2) above and the summary kept under subsection (3) above shall be open to inspection by the public at the offices of the council.]

#### Textual Amendments

**F145** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

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

**C144** S. 100G applied (with modifications) (8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. I](#)

#### [<sup>F146</sup>100H] **Supplemental provisions and offences.** **E+W**

- (1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours and—
- (a) in the case of a document open to inspection by virtue of section 100D(1) above, upon payment of such reasonable fee as may be required for the facility; and
- (b) in any other case, without payment.
- (2) Where a document is open to inspection by a person under any provision of this Part, the person may, subject to subsection (3) below—
- (a) make copies of or extracts from the document, or
- (b) require the person having custody of the document to supply to him a photographic copy of or of extracts from the document,
- upon payment of such reasonable fee as may be required for the facility.

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- (3) Subsection (2) above does not require or authorise the doing of any such act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.
- (4) If, without reasonable excuse, a person having the custody of a document which is required by section 100B(1) or 100C(1) above to be open to inspection by the public—
- (a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extracts from, the document, or
  - (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (5) Where any accessible document for a meeting to which this subsection applies—
- (a) is supplied to, or open to inspection by, a member of the public, or
  - (b) is supplied for the benefit of any newspaper, in pursuance of section 100B(7) above,
- the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.
- (6) Subsection (5) above applies to any meeting of a principal council and any meeting of a committee or sub-committee of a principal council; and, for the purposes of that subsection, the “accessible documents”; for a meeting are the following—
- (a) any copy of the agenda or of any item included in the agenda for the meeting;
  - (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 100B(7) (b) above;
  - (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 100B(7)(c) above;
  - (d) any copy of the whole or part of a report for the meeting;
  - (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 100D above.
- (7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.]

#### Textual Amendments

**F146** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)

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

**C145** S. 100H extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), ss. 2\(2\), 4](#)

**C146** S. 100H amended by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(4\)\(a\)](#)

**C147** S. 100H applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#) (as amended (W.) (21.5.2021) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/356\), reg. 7\(2\)\(g\)](#))



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S. 100H applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(3)**

**C148** S. 100H(2)(b) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s.1(4)(b)**

**C149** S. 100H(3) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(c)**

**C150** S. 100H(5) applied by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(d)**

### [<sup>F147</sup>100I Exempt information and power to vary Schedule 12A. **E+W**

- (1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part I of Schedule 12A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.
- (2) The Secretary of State may by order vary Schedule 12A to this Act by adding to it any description or other provision or by deleting from it or varying any description or other provision for the time being specified or contained in it.
- (3) The Secretary of State may exercise the power conferred by subsection (2) above by amending any Part of Schedule 12A to this Act, with or without amendment of any other Part.
- (4) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F147** Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

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

**C151** S. 100I applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26, 27**

**C152** S. 100I(2) extended (E.W.) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **ss. 2(3), 4** and by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(5)**

### [<sup>F148</sup>100J Application to new authorities, Common Council, etc. **E+W**

- (1) Except in this section, any reference in this Part to a principal council includes a reference to—
  - (a) ..... <sup>F149</sup>
  - (b) a joint authority;
  - (c) the Common Council;
    - [ The Broads Authority;]
  - <sup>F150</sup>(cc) (d) a joint board or joint committee falling within subsection (2) below;
  - (e) a combined police authority which is a body corporate;
  - (f) a combined fire authority.

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- (2) A joint board or joint committee falls within this subsection if—
- (a) it is constituted under any enactment as a body corporate; and
  - (b) it discharges functions of two or more principal councils;
- and for the purposes of this subsection any body falling within paragraph (a), (b) or (c) of subsection (1) above shall be treated as a principal council.
- (3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph . . . <sup>F151</sup>, (b) [<sup>F152</sup>(cc)], (d), (e) or (f) of that subsection, section 100A (6)(a) above shall have effect with the insertion after the word “council” of the words “and, if the meeting is to be held at premises other than those offices, at those premises”.
- (4) In its application by virtue of subsection (1) above, section 100G(1)(a) above shall have effect—
- (a) in relation to a joint authority or a combined police authority, with the substitution for the words from ward onwards of the words name or description of the body which appointed him; and
  - <sup>F153</sup>(aa) [ in relation to the Broads Authority or its Navigation Committee, with the substitution for the words from “ward” onwards of the words “name of the body which appointed him”; and]
  - (b) in relation to joint board or joint committee falling within subsection (2) above, with the omission of the words from “and the ward” onwards; and
  - (c) in relation to a combined fire authority, with the substitution for the words “ward or division” of the words “constituent area”.
- (5) In this section “combined fire authority” means a fire authority constituted by a combination scheme under the <sup>M13</sup> Fire Services Act 1947.]

#### Textual Amendments

- F148** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)
- F149** Words repealed by [Education Reform Act 1988 \(c. 40 SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F150** S. 100J(1)(cc) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(5\)](#)
- F151** Reference to paragraph (a) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#) ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F152** “(cc)” inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(5\)](#)
- F153** S. 100J(4)(aa) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), Sch. 6 para. 10(5)

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

- C153** S. 100J(1)(b) amended by [S.I. 1985/1884](#), art. 10, [Sch. 3 para. 1\(h\)](#)
- C154** S. 100J(1)(b) modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 3\(h\)](#)

#### Marginal Citations

- M13** [1947 c.41 \(50\)](#).

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## [<sup>F154</sup>100K Interpretation and application of Part VA. **E+W**

(1) In this Part—

“committee or sub-committee of a principal council” shall be construed in accordance with section 100E(3) above;

“constituent principal council” shall be construed in accordance with section 100E(4) above;

“copy”, in relation to any document, includes a copy made from a copy;

“exempt information” has the meaning given by section 100I above;

“information” includes an expression of opinion, any recommendations and any decision taken;

“newspaper” includes—

(a) a news agency which systematically carries on the business of selling and supplying reports or information to news-papers; and

(b) any organisation which is systematically engaged in collecting news—

(i) for sound or television broadcasts; or

[ for inclusion in programmes to be included in any programme service  
<sup>F155</sup>(ii) (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;]

“principal council” shall be construed in accordance with section 100J above.

(2) Any reference in this Part to a meeting is a reference to a meeting held after 1st April 1986]

### Textual Amendments

**F154** Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)

**F155** S. 100K(1)(b)(ii) substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 16

## PART VI **E+W**

### DISCHARGE OF FUNCTIONS

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

**C155** Pt. VI (ss. 101-110): power conferred to make provisions about matters of the kind dealt with in this part (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(iv); S.I. 1997/1930, art. 2(1)(2)(m)

## 101 Arrangements for discharge of functions by local authorities. **E+W**

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority.

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee

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may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

- (3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.
- (4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.
- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—
  - (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
  - (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (6) A local authority's functions with respect to levying, or issuing a precept for, a rate . . . <sup>F156</sup> shall be discharged only by the authority.
- (7) A local authority shall not make arrangements under this section for the discharge of any of their functions under the <sup>M14</sup>Diseases of Animals Act 1950 by any other local authority.
- (8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—
  - (a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or
  - (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions, or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;
 shall, to the extent that it makes any such provision, cease to have effect.

- (9) The following enactments, that is to say—

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- (a) paragraphs 1 and 3 to 11 of Part II of Schedule 1 to the <sup>M15</sup>Education Act 1944 (education committees of local education authorities);
- (b) ..... <sup>F157</sup>
- (c) sections 2 and 3 of the <sup>M16</sup>Police Act 1964 (police committees);
- (d) section 1 of the <sup>M17</sup>Sea Fisheries Regulation Act 1966;
- (e) ..... <sup>F158</sup>
- (f) section 2 of the <sup>M18</sup>Local Authority Social Services Act 1970 (social services committees);
- (g) ..... <sup>F159</sup>
- (h) Part I of Schedule 17 to this Act;

are exempted from subsection (8) above.

(10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which by any enactment mentioned in subsection (9) above are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.

(11) ..... <sup>F160</sup>

(12) References in this section and section 102 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(13) In this Part of this Act “local authority” includes the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, [<sup>F161</sup>any joint authority except a police authority, . . . <sup>F162</sup>,] a joint board on which a local authority within the meaning of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health authority.

(14) Nothing in this section affects the operation of section 5 of the 1963 Act or the <sup>M19</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

**F156** Words repealed (subject to savings in S.I. 1990/431, art. 4, **Sch. 1 para. 1(b)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 45(4)(5), 194(4), **Sch. 12 Pt. II**

**F157** S. 101(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F158** S. 101(9)(e) repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**

**F159** S. 101(9)(g) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

**F160** S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F161** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), **Sch. 14 para. 15**

**F162** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C156** S. 101 extended by Local Government Act 1974 (c. 7), s. 25(4)

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- C157** S. 101 excluded by Lotteries and Amusements Act 1976 (c. 32, SIF 12:1), **s. 6(3)** and by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **ss. 4(5), 5(5)** and by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 45(4)**
- C158** S. 101 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)** and restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4**, and 1.8.1990 to the extent mentioned in S.I. 1990/1552, **art. 3** otherwise *prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2) ss. 9(8)(a)(10), 195(2)
- C159** S. 101 modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 73(4), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C160** S. 101 excluded (1.6.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 90(5), 164(3); S.I. 1991/1042, **art. 3**
- C161** S. 101 excluded (17.7.1992) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 316(3)(b)** (inserted by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 20(3)(b)**); S.I. 1992/1491, **art. 2** (with art. 3)).
- C162** S. 101 excluded by S.I. 1991/445, **reg. 5(4)**
- C163** S.101 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**  
S. 101: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
- C164** S.101 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**  
S. 101: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C165** S. 101 excluded (17.7.1992) by S.I. 1992/1492, **reg. 10**
- C166** S. 101 excluded (6.5.1992) by Local Government Act 1992 (c. 19), **ss. 5(4), 30(2)**.
- C167** S. 101(1)(a) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(a)**
- C168** S. 101(1)(b) excluded by Local Government Finance Act 1988 (c. 41, SIF 81:1), **s. 89(3)**
- C169** S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(3)**
- C170** S. 101(2) modified by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 15(7), 17, 40(4), 57(6), **58**
- C171** S. 101(6) amended by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), **ss. 14(14), 23(2), 27(2)**
- C172** S. 101(13) amended by S.I. 1985/1884, art. 10, **Sch. 3**, para. 1(i)
- C173** S. 101(13) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(i)**

#### Marginal Citations

- M14** 1950 c. 36.  
**M15** 1944 c. 31.  
**M16** 1964 c. 48.  
**M17** 1966 c. 38.  
**M18** 1970 c. 42.  
**M19** 1970 c. 39.

## 102 Appointment of committees. **E+W**

- (1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above [<sup>F163</sup>or]<sup>F164</sup>section 53 of the Children Act 1989—
- (a) a local authority may appoint a committee of the authority; or
  - (b) two or more local authorities may appoint a joint committee of those authorities; or
  - (c) any such committee may appoint one or more sub-committees.
- (2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) above, their term of office, and the area (if restricted)

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within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee

- (3) A committee appointed under subsection (1) above, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 below, include persons who are not members of the appointing authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, . . . <sup>F165</sup>
- (4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—
- (a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
  - (b) may appoint one or more sub-committees to advise the committee with respect to any such matter.
- (5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall upon ceasing to be a member of that authority also cease to be a member of the committee; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

#### Textual Amendments

**F163** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 29, [Sch. 9 Pt. I para. 16](#)

**F164** Words in s. 102(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 31\(1\)](#); S.I. 1991/828, [art. 3\(2\)](#)

**F165** Words repealed (16.1.1990 to the extent mentioned in S.I. 1989/2445, [art. 4](#) otherwise 1.8.1990 and 1.1.1991 as provided by S.I. 1990/1552, [art. 3](#), [Sch.](#)) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), ss. 13(8), 194(4), [Sch. 12 Pt. II](#)

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

**C174** S. 102 applied (07.08.1991) by S.I. 1991/1773, [arts. 6, 8](#), [Sch. 1](#)

S. 102 certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, [arts. 6, 8](#), [Sch. 1](#)

**C175** S. 102 applied (10.01.1992) by S.I. 1991/2913, [arts. 6, 8](#), [Sch.1](#)

S. 102 certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, [arts. 6, 8](#), [Sch. 1](#)

Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2916, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2917, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2918, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2919, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2920, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2921, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2922, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2923, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1996/2924, [art. 2](#), [Sch. para. 20\(1\)](#)

Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1995/3229, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1995/3230, [art. 2](#), [Sch. para. 20\(1\)](#)

Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1995/3132, [art. 2](#), [Sch. para. 20\(1\)](#); S.I. 1995/3133, [art. 2](#), [Sch. para. 20\(1\)](#)

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- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- S. 102: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- S. 102 applied (with modifications)(3.7.2000) by 1999 c. 29, **s. 244(8)(a)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(c)**, **Sch. Pt. 3**
- S. 102 modified (3.7.2000) by 1984 c. 27, **s. 55(8)** (as added (3.7.2000) by 1999 c. 29, s. 282(5) (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(c)**, **Sch. Pt. 3**
- S. 102 modified (3.7.2000) by 1991 c. 40, **s. 73(1A)** (as substituted (3.7.2000) by 1999 c. 29, s. 283(2) (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(c)**, **Sch. Pt. 3**
- S. 102 modified (8.5.2000) by 1999 c. 29, **s. 39(1)(2)(4)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(b)**, **Sch. Pt. 2**
- C176** S. 102(1)(b)(c)(2)(3)(5) modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(b)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(b)**, **Sch. Pt. 2**
- C177** S. 102(2)(5) applied (E.) (2.4.2001) by S.I. 2001/1299, **reg. 6(11)**
- C178** S. 102(2)(3) excluded (3.4.1995) by 1994 c. 19, **ss. 30(11)(13)**, 31(9)(11); S.I. 1995/852, **art. 5**
- C179** S. 102(2)(5) applied (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, **ss. 21(12)**, 108(4); S.I. 2000/2849, **art. 2(a)**

### 103 Expenses of joint committees. **E+W**

The expenses incurred by a joint committee of two or more local authorities whether appointed or established under this Part of this Act or any other enactment shall be defrayed by those authorities in such proportions as they may agree or in case of disagreement as may be determined—

- (a) in any case in which those authorities are the councils of parishes or communities or groups of parishes or communities situated in the same district, by the district council; and
- (b) in any other case, by a single arbitrator agreed on by the appointing authorities or, in default of agreement, appointed by the Secretary of State.

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

- C180** S. 103 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by S.I. 1994/867, **reg. 11(6)**
- Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, **art. 2**, **Sch. para. 20(1)**; S.I. 1995/3229, **art. 2**, **Sch. para. 20(1)**; S.I. 1995/3230, **art. 2**, **Sch. para. 20(1)**
- Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, **art. 2**, **Sch. para. 20(1)**; S.I. 1995/3132, **art. 2**, **Sch. para. 20(1)**; S.I. 1995/3133, **art. 2**, **Sch. para. 20(1)**
- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

### 104 Disqualification for membership of committees and joint committees. **E+W**

- (1) Subject to subsection (2) below, a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment.



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- (2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, . . . <sup>F166</sup> or other educational institution maintained or assisted by a local education authority be disqualified for being a member of any committee of any local authority—
- (a) appointed for the purposes of the enactments relating to education; or
  - (b) appointed for purposes connected with the execution of the <sup>M20</sup>Public Libraries and Museums Act 1964;
- or for being a representative of a local authority on a joint committee of the authority and another authority which has been appointed or established for any such purpose.
- (3) Section 92 above shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee of a local authority or a joint committee of two or more local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.
- (4) In the application of this section to the Common Council for the reference to Part V of this Act there shall be substituted a reference to the enactments for the time being in force relating to disqualification for membership of the Common Council.

#### Textual Amendments

**F166** Word repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)

#### Marginal Citations

**M20** [1964 c. 75](#).

## 105 Disability for voting on account of interest in contracts, etc. **E+W**

Sections 94 to 98 above shall apply as respects members of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), whether the committee or joint committee are appointed or established under this Part of this Act or under any other enactment, as they apply in respect of members of local authorities, subject to the following modifications—

- (a) references to meetings of any such committee shall be substituted for references to meetings of the local authority; and
- (b) in the case of members of a committee of a local authority of any sub-committee the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book kept under section 96(2) above shall be limited to an inspection of the entries in the book relating to the members of the committee or sub-committee.

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

**C181** S. 105 excluded (27.11.2001temp. until 27.7.2002) by [S.I. 2001/3576, art. 3\(1\)\(a\)](#)

S. 105 excluded (27.11.2001temp. until 27.7.2002) by [S.I. 2001/3578, art. 3\(1\)\(a\)](#)

**C182** S. 105 excluded (W.) (18.4.2008) by [The Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008 \(S.I. 2008/788\), art. 4\(1\)\(a\)](#)

**C183** S. 105 applied (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch. 1](#).

S. 105: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773, arts. 6, 8, Sch. 1](#).

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- C184** S.105 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
S.105: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- C185** S.105 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
S. 105 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 14(2)(b)**  
S. 105 applied (*temp.*) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 14(2)(b)**  
S.105: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
Ss. 101-106 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- C186** S. 105 disappplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 (S.I. 2004/1510), **art. 3**)
- C187** S. 105 disappplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), **art. 3(a)**

## 106 Standing orders. **E+W**

Standing orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

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

- C188** S. 106 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 20\(6\)](#)
- C189** S. 106 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 9\(8\)](#)
- C190** S. 106 excluded by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), ss. 26(4), 66, [Sch. 3 para. 15](#)
- C191** Ss. 101-106 applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2916](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2917](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2918](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2919](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2920](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2921](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2922](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2923](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2924](#), art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3229](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3230](#), art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3132](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3133](#), art. 2, [Sch. para. 20\(1\)](#)
- Ss. 101-106 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- Ss. 103-106 applied from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)
- S. 106 applied (12.4.1994 with effect between the establishment date and the reorganisation date) by [S.I. 1994/867](#), [reg. 11\(6\)](#)
- S. 106 excluded (1.11.1996) by [1996 c. 56](#), ss. 159, 583(2), [Sch. 16 para. 15\(2\)](#) (with s. 1(4), [Sch. 39](#))
- S. 106 excluded (1.11.1996) by [1996 c. 56](#), ss. 423, 583(2), [Sch. 33 Pt. II para. 15\(2\)](#) (with s. 1(4), [Sch. 39](#))
- S. 106 applied (4.3.1996) by [S.I. 1996/263](#), [reg. 10\(5\)](#)
- S. 106 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [art. 17\(1\)](#)
- S. 106 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [art. 17\(1\)](#)
- S. 106: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)
- C192** S. 106 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, [Sch. para. 15](#)
- C193** S. 106 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), [reg. 10\(5\)](#)
- C194** S. 106 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 151\(7\)\(a\)](#), 324(1)(c)(3) (with ss. 172(3), 185)

#### 107 Application of foregoing provisions to police authorities. **E+W**

- (1) Subject to the following provisions of this section—
- sections 101 to 103 and 106 above shall apply to a police authority other than the Secretary of State as they apply to a local authority;
  - sections 104 and 105 above shall apply both to a police authority and a committee of any such authority or authorities as they apply to a committee of a local authority or authorities;
- and in their application to the Common Council as police authority those sections shall have effect subject to those provisions.
- (2) A police authority may not arrange for the discharge of their functions by another police authority, and section 101(1)(b) and (3) above shall not apply to a police authority.

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- (3) The officers who may discharge the functions of a police authority in pursuance of arrangements under section 101(1), (2) or (5) above shall include the chief officer of police, his deputy while performing his duties and any civilian officer employed for the purposes of the police authority or one of the police authorities.
- (4) A police authority may not arrange under section 101 above for the discharge of their functions by a committee or officer as respects part only of their area.
- (5) Section 101(10) above shall not apply to a police authority.
- (6) Any committee appointed under section 102 above for discharging the functions of one or more police authorities (including any sub-committee) shall consist only of members of the appointing authority or authorities and section 102(3) above shall not apply to committees of police authorities.
- (7) Section 103 above, in its application to a joint committee of police authorities, shall have effect as if for paragraphs (a) and (b) there were substituted the words “by the Secretary of State”.
- (8) A person shall not be disqualified by virtue of section 104 above for being a member of a police authority or the committee (or any sub-committee) of any such authority or authorities by virtue of his holding any office or employment, except employment for the purposes of the police authority or one of the police authorities.
- (9) Section 106 above shall not authorise any county council to make standing orders with respect to the quorum, proceedings or place of meeting of a police authority.
- (10) For the purposes of this section the following persons shall be treated as employed for the purposes of a police authority, that is to say—
  - (a) any person employed under section 10 of the <sup>M21</sup>Police Act 1964 for police purposes of the police authority’s area; and also
  - (b) in the case of a combined police authority, any person whose services are made available for the use of that authority in pursuance of section 4(5) of that Act.

#### Marginal Citations

M21 1964 c. 68.

### 108 Committees of parish meetings. **E+W**

In a parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order and subject to such conditions as the meeting may impose, arrange for the discharge of any of their functions by a committee of local government electors for the parish, but any such arrangement shall not prevent the meeting from exercising those functions.

### 109 Conferring functions of parish council on parish meeting. **E+W**

- (1) On the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.

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- (2) Two copies of every order made under this section shall be sent by the district council to the Secretary of State.

F167 **110** ..... **E+W**

**Textual Amendments**

**F167** S. 110 repealed by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(4), **Sch. 12**, Pt. II

**PART VII** **E+W**

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

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

**C195** Pt. VII (ss. 111–146) extended by [Water Act 1989](#) (c. 15, SIF 130), s. 164(2), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

**C196** Pt. VII (ss. 111–146) extended by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. **83(2)**, 219(3)

*Subsidiary powers*

**111** **Subsidiary powers of local authorities.** **E+W**

- (1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- (2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.
- (3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.
- (4) In this section “local authority” includes the Common Council.

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

**C197** S. 111 extended by [Housing Act 1974](#) (c. 44), s. **126(1)**

**C198** S. 111 amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(a)**

**C199** S. 111 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.

S. 111: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.

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- C200** S. 111 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.  
 S. 111: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
 S. 111 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(a)**  
 S. 111: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
 S. 111 applied (4.3.1996) by S.I. 1996/263, **reg. 16(3)**  
 S. 111: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(v)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C201** S. 111 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(1)**
- C202** S. 111(1)(3) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(a)(b), **Sch. 13 para. 19(a)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2))
- C203** S. 111(3) excluded (18.11.2003) by Local Government Act 2003 (c. 26), ss. {93(7)(a)}, 128

*Staff*

**112 Appointment of staff. E+W**

- (1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority’s functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

- (4) Subsection (3) above does not apply to the following officers, that is to say—
  - (a) ..... <sup>F168</sup>
  - (b) chief education officers appointed under section 88 of the <sup>M22</sup>Education Act 1944;
  - (c) chief officers and other members of fire brigades maintained under the <sup>M23</sup>Fire Services Act 1947;
  - (d) ..... <sup>F169</sup>
  - (e) ..... <sup>F168</sup>
  - (f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the <sup>M24</sup>Agriculture Act 1970; and
  - (g) directors of social services appointed under section 6 of the <sup>M25</sup>Local Authority Social Services Act 1970;

and it is hereby declared that subsection (3) above does not apply . . . <sup>F170</sup> to any other person appointed by a local authority to perform a specified function.

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- (5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.
- (6) Nothing in this section affects the operation of section 5 of the 1963 Act or the <sup>M26</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

**F168** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F169** S. 112(4)(d) repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, **Sch. 13 Pt. I**

**F170** Words repealed by virtue of Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

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

**C204** S. 112 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**

**C205** S. 112 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

**C206** S. 112 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 112: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

**C207** S. 112 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 112: certain functions transferred (10.01.1992) by S.I. 1991/2913, **art.8(1)(3)**, **Sch.2**.

S. 112 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 112: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

S. 112 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**

S. 112 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**)

**C208** S. 112(2)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

#### Marginal Citations

**M22** 1944 c. 31.

**M23** 1947 c. 41.

**M24** 1970 c. 40.

**M25** 1970 c. 42.

**M26** 1970 c. 39.

### 113 Placing of staff of local authorities at disposal of other local authorities. **E+W**

- (1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.

<sup>F171</sup>(1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with a Regional Health Authority, Area Health Authority [<sup>F172</sup>District Health Authority] or special health authority [<sup>F173</sup>or NHS trust]—

- (a) for the placing at the disposal of the Regional [<sup>F174</sup>Area or District] Health Authority or special health authority [<sup>F173</sup>or NHS trust] for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the local authority;

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- (b) for the placing at the disposal of the local authority for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the Regional [<sup>F174</sup>Area or District] Health Authority or the special health authority [<sup>F173</sup>or NHS trust];
- but a local authority shall not enter into an agreement in pursuance of paragraph (a) of this subsection in respect of any officer without consulting him.]
- (2) For superannuation purposes service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.
- [<sup>F175</sup>(3) An officer whose services are placed at the disposal of a local authority in pursuance of subsection (1A) of this section shall be treated as an officer of the authority for the purposes of any enactment relating to the discharge of local authorities' functions.]
- [<sup>F176</sup>(4) In subsection (1A) above "NHS trust" means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990.]

#### Textual Amendments

- F171** S. 113(1A) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(1)**
- F172** Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), ss. 1, 2, **Sch. 1 Pt. 1 para. 22**
- F173** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(a)**
- F174** Words substituted by Health Services Act 1980 (c. 53, SIF 113:2), ss. 1, 2, **Sch. 1 Pt. 1 para. 22**
- F175** S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(2)**
- F176** S. 113(4) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(b)**

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

- C209** S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
- C210** S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C211** S. 113 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C212** S. 113 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 113: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 113 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 113: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 113 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
- C213** S. 113(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**

## 114 Security to be taken in relation to officers. **E+W**

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, take such security, for the faithful execution of his office



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and for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.

- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

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

**C214** S. 114 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**

**C215** Ss. 114, 115 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**

**C216** S.114 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2), **Sch. 2**

S.114: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch. 2**

S. 114: applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**

S. 114 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

S. 114 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(b)**

S. 114 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](#))

S. 114 applied (with modifications) (5.12.1995) by [S.I. 1995/3127](#), art. 2, **Sch. para. 24**; [S.I. 1995/3131](#), art. 2, **Sch. para. 24**; [S.I. 1995/3132](#), art. 2, **Sch. para. 24**; [S.I. 1995/3133](#), art. 2, **Sch. para. 24**

S. 114 applied (with modifications) (11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 25**; [S.I. 1995/3229](#), art. 2, **Sch. para. 25**; [S.I. 1995/3230](#), art. Sch. para. 25

S. 114 applied (4.3.1996) by [S.I. 1996/263](#), **reg. 10(1)**

S. 114 applied (with modifications) (20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 24**; [S.I. 1996/2916](#), art. 2, **Sch. para. 24**; [S.I. 1996/2917](#), art. 2, **Sch. para. 24**; [S.I. 1996/2918](#), art. 2, **Sch. para. 24**; [S.I. 1996/2919](#), art. 2, **Sch. para. 24**; [S.I. 1996/2920](#), art. 2, **Sch. para. 24**; [S.I. 1996/2921](#), art. 2, **Sch. para. 24**; [S.I. 1996/2922](#), art. 2, **Sch. para. 24**; [S.I. 1996/2923](#), art. 2, **Sch. para. 24**; [S.I. 1996/2924](#), art. 2, **Sch. para. 24**

S. 114: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), **Sch. 4(a)(vi)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**

**C217** S. 114 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch.2**.

S. 114: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch.2**.

**C218** S. 114 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. 114 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)**

**C219** S. 114 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, **Sch. para. 19**

**C220** Ss. 114-117 applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**

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## 115 Accountability of officers. **E+W**

- (1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office or within three months after ceasing to hold it, and in such manner as the local authority direct, make out and deliver to the authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.
- (2) Every such officer shall pay all money due from him to the proper officer of the local authority or in accordance with their directions.

### Modifications etc. (not altering text)

- C221** S. 115 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C222** Ss. 114, 115 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C223** S. 115 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch. 2**.  
S. 115: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8, **Sch. 2**
- C224** S.115 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2), **Sch. 2**.  
S.115: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch. 2**.  
S. 115 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 115 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(b)**  
S. 115 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](#))  
S. 115 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**  
S. 115 applied (with modifications) (5.12.1995) by [S.I. 1995/3132](#), art. 2, **Sch. para. 24**; [S.I. 1995/3133](#), art. 2, **Sch. para. 24**; [S.I. 1995/3127](#), art. 2, **Sch. para. 24**; [S.I. 1995/3131](#), art. 2, **Sch. para. 24**  
S. 115 applied (with modifications) (11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 25**; [S.I. 1995/3229](#), art. 2, **Sch. para. 25**; [S.I. 1995/3230](#), art. 2, **Sch. para. 25**  
S. 115 applied (4.3.1996) by [S.I. 1996/263](#), **reg. 10(1)**  
S. 115 applied (with modifications) (20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 24**; [S.I. 1996/2916](#), art. 2, **Sch. para. 24**; [S.I. 1996/2917](#), art. 2, **Sch. para. 24**; [S.I. 1996/2918](#), art. 2, **Sch. para. 24**; [S.I. 1996/2919](#), art. 2, **Sch. para. 24**; [S.I. 1996/2920](#), art. 2, **Sch. para. 24**; [S.I. 1996/2921](#), art. 2, **Sch. para. 24**; [S.I. 1996/2922](#), art. 2, **Sch. para. 24**; [S.I. 1996/2923](#), art. 2, **Sch. para. 24**; [S.I. 1996/2924](#), **art. 2 Sch. para. 24**  
S. 115: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), **Sch. 4(a)(vi)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**
- C225** S. 115 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. 115 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)**
- C226** S. 115 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), art. 2, **Sch. para. 19**
- C227** Ss. 114-117 applied (with modifications) (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), **reg. 10(1)**

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## 116 Members of local authorities not to be appointed as officers. **E+W**

A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office, other than to the office of chairman or vice-chairman<sup>F177</sup> . . .

### Textual Amendments

**F177** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

### Modifications etc. (not altering text)

**C228** S. 116 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)

**C229** S. 116 modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 175\(6\)](#), 231(7), 235(6)

**C230** S. 116 modified (7.8.1991) by [S.I. 1991/1773](#), art. 8(2), [Sch. 2](#).

S. 116: certain functions transferred (7.8.1991) by [S.I. 1991/1773](#), art. 8, [Sch. 2](#).

**C231** S.116 modified (10.1.1992) by [S.I. 1991/2913](#), art. 8(2), [Sch.2](#).

S.116: certain functions transferred (10.1.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).

S. 116 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\)](#), [23\(2\)](#))

S. 116 applied (temp. from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)

S. 116 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with [ss. 7\(6\)](#), 115, 117)

S. 116 restricted (23.11.1995) by [S.I. 1995/2803](#), art. 19(1), [Sch. 6 para. 1](#)

S. 116 applied (with modifications) (5.12.1995) by: [S.I. 1995/3132](#), art. 2, [Sch. para. 24](#); [S.I. 1995/3133](#), art. 2, [Sch. para. 24](#); [S.I. 1995/3127](#), art. 2, [Sch. para. 24](#); [S.I. 1995/3131](#), art. 2, [Sch.](#)

[para. 24](#)

S. 116 applied (with modifications) (11.12.1995) by: [S.I. 1995/3218](#), art. 2, [Sch. para. 25](#); [S.I. 1995/3229](#), art. 2, [Sch. para. 25](#); [S.I. 1995/3230](#), art. 2, [Sch. para. 25](#)

S. 116 applied (with modifications) (8.1.1996) by [1995 c. x](#), ss. 1(3), 44, [Sch. Pt. I](#)

S. 116 applied (4.3.1996) by [S.I. 1996/263](#), [reg. 10\(1\)](#)

S. 116 applied (with modifications) (20.11.1996) by: [S.I. 1996/2912](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2916](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2917](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2918](#), art. 2, [Sch.](#)

[para. 24](#); [S.I. 1996/2919](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2920](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2921](#),

art. 2, [Sch. para. 24](#); [S.I. 1996/2922](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2923](#), art. 2, [Sch. para. 24](#); [S.I. 1996/2924](#), art. 2, [Sch. para. 24](#)

[Sch. para. 24](#)

S. 116: power to make provisions about matters of the kind dealt with in this section conferred

(1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4\(a\)\(vi\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

## 117 Disclosure by officers of interest in contracts. **E+W**

- (1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

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- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F178</sup>level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

### Textual Amendments

**F178** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

### Modifications etc. (not altering text)

- C232** S. 117 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C233** S. 117 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C234** S. 117 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C235** S.117 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S.117: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**  
S. 117 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
S. 117 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**  
S. 117 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 para. 10** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5**  
S. 117 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 117 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)  
S. 117 modified (23.11.1995) by 1995/2803, art. 19(1), **Sch. 6 para. 2**  
S. 117 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**  
S. 117: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 117 applied (with modifications) (8.5.2000) by 1999 c. 29, **s. 71** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(b)**
- C236** S. 117 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. 117 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)**
- C237** S. 117 modified (24.3.2005) by The New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), art. 17, **Sch. 4 para. 4**
- C238** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**
- C239** S. 117 modified (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), art. 1, **Sch. 4 para. 4**
- C240** S. 117(1)(2)(3) applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**  
S. 117(1)(2)(3) applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**  
S. 117(1)(2)(3) applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**

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- C241** S. 117(1) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C242** S. 117(2) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C243** S. 117(3) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**

## **118 Payment of salary, etc., due to mentally disordered person. E+W**

- (1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as “the patient”) is incapable, by reason of mental disorder within the meaning of [<sup>F179</sup>the Mental Health Act 1983], of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—
- (a) to or for the benefit of persons who appear to the authority to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
- (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.
- (2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower of a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression “pensioner” includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.
- (3) A local authority shall not in exercise of the powers conferred by subsection (1) above apply in any year in respect of any one person more than £500, or such other sum as may be prescribed.
- (4) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under [<sup>F180</sup>Part VII of the said Act of 1983] notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.
- (5) If at any time the authority having jurisdiction as aforesaid give to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the

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date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.

- (6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section.

#### Textual Amendments

- F179** Words “the Mental Health Act 1983” substituted (E.W.) for words “the Mental Health Act 1959” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(a\)](#)
- F180** Words commencing “Part VII” substituted (E.W.) for words commencing “Part VIII” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(b\)](#)

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

- C244** S. 118 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)
- C245** S. 118 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#)  
S. 118: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#)
- C246** S. 118 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#)  
S. 118: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch.2](#)  
S. 118 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 118 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)  
S. 118: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)  
S. 118 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)  
S. 118 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, [Sch. para. 24](#); S.I. 1995/3133, art. 2, [Sch. para. 24](#); S.I. 1995/3127, art. 2, [Sch. para. 24](#); S.I. 1995/3131, art. 2, [Sch. para. 24](#)  
S. 118 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 25](#); S.I. 1995/3229, art. 2, [Sch. para. 25](#); S.I. 1995/3230, art. 2, [Sch. para. 25](#)  
S. 118 applied (4.3.1996) by S.I. 1996/263, [reg. 10\(1\)](#)  
S. 118 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 24](#); S.I. 1996/2916, art. 2, [Sch. para. 24](#); S.I. 1996/2917, art. 2, [Sch. para. 24](#); S.I. 1996/2918, art. 2, [Sch. para. 24](#); S.I. 1996/2919, art. 2, [Sch. para. 24](#); S.I. 1996/2920, art. 2, [Sch. para. 24](#); S.I. 1996/2921, art. 2, [Sch. para. 24](#); S.I. 1996/2922, art. 2, [Sch. para. 24](#); S.I. 1996/2923, art. 2, [Sch. para. 24](#); S.I. 1996/2924, art. 2, [Sch. para. 24](#)  
S. 118: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), [Sch. 4\(a\)\(vi\)](#); S.I. 1997/1930, [art. 2\(1\)\(2\)\(m\)](#)
- C247** S. 118 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. 118 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), [art. 17\(6\)](#)
- C248** S. 118(1) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), [Sch. 13](#), para. 12(b)

## 119 Payments due to deceased officers. **E+W**

- (1) If, on the death of any person who is or has been an officer of a local authority, there is due to him or his legal personal representatives from a local authority a sum not exceeding £500 and not being a pension, allowance or gratuity payable by virtue of section 7 of the <sup>M27</sup>Superannuation Act 1972, the authority may, without requiring

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the production of probate or letters of administration of the estate of the officer, pay the whole or any part of that sum to the officer's personal representatives or to the person, or to or among any one or more of any persons, appearing to the authority to be beneficially entitled to the estate of the officer, and any person to whom such a payment is made, and not the authority, shall be liable to account for the sum paid to him under this subsection.

- (2) The authority may, if they think fit, pay out of the said sum the funeral expenses of the officer or so much thereof as they consider reasonable <sup>F181</sup> . . .
- (3) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the <sup>M28</sup> Administration of Estates (Small Payments) Act 1965, substituting for references to £500 references to such higher amount as may be specified in the order.
- (4) Where provision has been made by regulations under section 7(1)(b) of the said Act of 1972 with respect to the pensions, allowances or gratuities which in certain circumstances are to be, or may be, paid to or in respect of any persons or classes of persons, the Secretary of State may by regulations provide for the application of the foregoing provisions of this section to such of those persons or classes of persons as may be specified in the regulations.

#### Textual Amendments

**F181** Words repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 11](#)

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

- C249** S. 119 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)
- C250** S. 119 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch.2](#).  
S. 119: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).
- C251** S. 119 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).  
S. 119: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch.2](#).  
S. 119 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
S. 119 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)  
S. 119: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)  
S. 119 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)  
S. 119 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, [Sch. para. 24](#); S.I. 1995/3133, art. 2, [Sch. para. 24](#); S.I. 1995/3127, art. 2, [Sch. para. 24](#); S.I. 1995/3131, art. 2, [Sch. para. 24](#)  
S. 119 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 25](#); S.I. 1995/3229, art. 2, [Sch. para. 25](#); S.I. 1995/3230, art. 2, [Sch. para. 25](#)  
S. 119 applied (4.3.1996) by S.I. 1996/263, [reg. 10\(1\)](#)  
S. 119 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 24](#); S.I. 1996/2916, art. 2, [Sch. para. 24](#); S.I. 1996/2917, art. 2, [Sch. para. 24](#); S.I. 1996/2918, art. 2, [Sch. para. 24](#); S.I. 1996/2919, art. 2, [Sch. para. 24](#); S.I. 1996/2920, art. 2, [Sch. para. 24](#); S.I. 1996/2921, art. 2, [Sch. para. 24](#); S.I. 1996/2922, art. 2, [Sch. para. 24](#); S.I. 1996/2923, art. 2, [Sch. para. 24](#); S.I. 1996/2924, art. 2, [Sch. para. 24](#)  
S. 119 applied (with modifications) (21.3.1997) by [1997 c. 45](#), s. 2(4)  
S. 119: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4\(a\)\(vi\)](#); S.I. 1997/1930, [art. 2\(1\)\(2\)\(m\)](#)

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- C252** S. 119 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. 119 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)**
- C253** S. 119 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**
- C254** Section 119(1) has effect by virtue of S.I. 1984/539, **art. 2(i)**, as if for the reference to £500 there were substituted a reference to £5,000
- C255** S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

#### Marginal Citations

- M27** 1972 c. 11.  
**M28** 1965 c. 32.

### Land transactions — principal councils

#### 120 Acquisition of land by agreement by principal councils. **E+W**

- (1) For the purposes of—
  - (a) any of their functions under this or any other enactment, or
  - (b) the benefit, improvement or development of their area,
 a principal council may acquire by agreement any land, whether situated inside or outside their area.
- (2) A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the council's functions.
- (3) Where under this section a council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M29</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word “land” shall have the meaning assigned to it by this Act.
- (4) Where two or more councils acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those councils from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.
- (5) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

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

- C256** S. 120 modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 19(4)**
- C257** S. 120 amended and certain functions transferred by S.I. 1989/304, **art. 5(3)(g)(4)**
- C258** S. 120 amended by S.I. 1989/304, **art. 5(4)(c)**
- C259** S. 120 modified (07.08.1991) by S.I. 1991/1773, **art. 8(2), Sch.2**.  
S. 120: certain functions transferred (07.08.1991) by S.I. 1991/1773, **art. 8, Sch.2**



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- C260** S. 120 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 120: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 120: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 120 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(a)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 120 (except subsection 1(b)): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C261** S. 120 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C262** S. 120(3) applied (1.3.2007) by National Health Service Act 2006 (c. 41), ss. {211(6)}, 277(1) (subject to s. 277(2)-(5))  
S. 120(3) applied (1.3.2007) by National Health (Wales) Service Act 2006 (c. 42), ss. {159(6)}, 208(1) (subject to s. 208(2)-(5)) (with s. 19(3))

#### Marginal Citations

**M29** 1965 c. 56.

## 121 Acquisition of land compulsorily by principal councils. **E+W**

- (1) Subject to subsection (2) below, for any purpose for which they are authorised by this or any other public general Act to acquire land, a principal council may be authorised by the Minister concerned with that purpose to purchase compulsorily any land, whether situated inside or outside their area.
- (2) A council may not be authorised under subsection (1) above to purchase land compulsorily—
- (a) for the purpose specified in section 120(1)(b) above, or
  - (b) for the purpose of any of their functions under the <sup>M30</sup>Local Authorities (Land) Act 1963, or
  - (c) for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.
- (3) Where one or more councils propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one council, between those councils, and—
- (a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes; and
  - (b) where there is more than one council concerned, the councils may nominate one of them to acquire the land on behalf of them all and the council so nominated shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition.
- (4) The [<sup>F182</sup>Acquisition of Land Act 1981] shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above <sup>F183</sup>. . .

#### Textual Amendments

**F182** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 1** Table

**F183** Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**

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

**C263** S. 121 modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 19(4)

**C264** S. 121 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.

S. 121: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.

S. 121: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(vii); S.I. 1997/1930, art. 2(1)(2)(m)

**C265** S. 121 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.

S. 121: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.

**C266** S. 121 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, Sch. para. 15

**C267** S. 121(1) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

#### Marginal Citations

**M30** 1963 c. 29.

## 122 Appropriation of land by principal councils. **E+W**

- (1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under <sup>F184</sup>section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
- the total of the land appropriated in any particular common, . . . <sup>F185</sup> or fuel or field garden allotment (giving those expressions the same meanings as in <sup>F186</sup>the said section 229]) does not in the aggregate exceed 250 square yards, and
  - before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,
- <sup>F187</sup> .....
- <sup>F188</sup>(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.
- (2B) Where land appropriated by virtue of subsection (2A) above is held—
- for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

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the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

<sup>F189</sup>(3) . . . . .

(4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the <sup>M31</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M32</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F190</sup>(5) . . . . .

#### Textual Amendments

**F184** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F185** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XII](#)

**F186** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F187** [S. 122\(2\)\(b\)](#) words following repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F188** [S. 122\(2A\)\(2B\)](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 12](#)

**F189** [S. 122\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F190** [S. 122\(5\)\(6\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

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

**C268** [S. 122](#) extended (with modifications) (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\), Sch. 8 para. 1\(1\)\(a\) \(4\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

**C269** [S. 122\(4\)](#) applied by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 232\(5\)](#)

#### Marginal Citations

**M31** 1845 c. 18.

**M32** 1965 c. 56.

### 123 Disposal of land by principal councils. **E+W**

(1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.

(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

<sup>F191</sup>(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two

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consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

<sup>F192</sup>(3) .....

<sup>F193</sup>(6) .....

- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run,

and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

#### Textual Amendments

- F191** S. 123(2A)(2B) inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 118, **Sch. 23 Pt. V para. 14**
- F192** S. 123(3)(4)(5) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**
- F193** S. 123(6) 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** (and as saved, amended (1.8.1993) by 1993 c. 10, s. 98(1), 99(1), **Sch. 6 para. 12(3)**).

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

- C270** S. 123 excluded by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 76(11)**, 137(6), 189(6), 231(7), 235(6)
- S. 123 excluded (6.5.1992) by Further and Higher Education Act 1992 (c. 13), **s. 39(8)**; S.I. 1992/831, **art. 2, Sch. 1**
- S. 123 excluded (1.1.1994) by 1993 c. 35, **s. 41(7)** (with s. 155(11)); S.I. 1993/3106, **art. 4, Sch. 1** (with **Sch. 2 para. 7(3)**)
- S. 123 excluded (1.11.1996) by 1996 c. 56, **ss. 204(7)**, 583(2) (with s. 1(4))
- S. 123 excluded (1.10.1998) by 1998 c. 31, **s. 77(6)(9)** (with **ss. 138(9)**, 144(6)); S.I. 1998/2212, **art. 2(1), Sch. 1 Pt. I**
- S. 123 excluded (W.) (1.9.2001) by S.I. 2001/2678, **reg. 16, Sch. 4 para. 21(5)**
- S. 123 excluded by Greenham and Crookham Commons Act 2002 (c. i), **s. 18(11)** (with **ss. 38**, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C271** S. 123 modified (7.8.1991) by S.I. 1991/1773, **art. 8(2), Sch. 2**
- S. 123 modified (10.1.1992) by S.I. 1991/2913, **art. 8(2), Sch. 2**
- C272** S. 123: certain functions transferred (7.8.1991) by S.I. 1991/1773, **art. 8, Sch. 2**
- S. 123: certain functions transferred (10.1.1992) by S.I. 1991/2913, **art. 8, Sch. 2**
- S. 123: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

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- C273** S. 123 extended (3.4.1995) by 1994 c. 19, s. **51(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 8, **Sch. 4**  
S. 123 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(a)(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C274** S. 123: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, art. 2(1)(2)(m)
- C275** S. 123 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C276** S. 123 excluded (25.5.2007) by The School Organisation (Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355), **regs. 40** 46, {Sch. 4 para. 12(5)}  
S. 123 restricted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 26(3)(a)**, 245; S.I. 2007/3136, art. 2(a)
- C277** S. 123(2) excluded by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. **26(5)(b)**  
S. 123(2) excluded (1.10.1993) by 1993 c. 35, s. **285**; S.I. 1993/1975, art. 9, **Sch. 1**  
S. 123(2) excluded (21.7.1994) by 1994 c. xi, s. **51(1)**  
S. 123(2) excluded (1.11.1996) by 1996 c. 56, **ss. 75**, 583(2) (with s. 1(4))  
S. 123(2) excluded (1.9.1999) by 1998 c. 31, s. 22(7), **Sch. 3 para. 12** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**  
S. 123(2) excluded (26.7.2002) by Education Act 1996 (c. 56), s. 482(6), Sch. 35A para. 10(2) (as inserted (26.7.2002) by Education Act 2002 (c. 32), s. 65, **Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2
- C278** S. 123(2) applied (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 11(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 123(2) applied (1.4.1995) by S.I. 1995/401, art. **16(2)**
- C279** S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(1)**
- C280** S. 123(2A) applied (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 11(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 123(2A) applied (1.4.1995) by S.I. 1995/401, art. **16(2)**
- C281** S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(2)**
- C282** S. 123(2A) excluded (26.7.2002) by Education Act 1996 (c. 56), s. 482(6), Sch. 35A para. 10(3) (as inserted (26.7.2002) by Education Act 2002 (c. 32), s. 65, **Sch. 7 Pt. 1 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 2

<sup>F194</sup>**123A** ..... **E+W**

#### Textual Amendments

**F194** S. 123A (inserted by Community Land Act 1975 (c. 77), s. **42(1)**) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 118, **Sch. 34 Pt. XIII**

### *Land transactions—parish and community councils*

**124** **Acquisition of land by agreement by parish and community councils.** **E+W**

(1) For the purposes of—

- (a) any of their functions under this or any other public general Act, or
- (b) the benefit, improvement or development of their area,

a parish or community council may acquire by agreement any land, whether situated inside or outside their area.

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*Changes to legislation:* Local Government Act 1972 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the <sup>M33</sup>Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word “land” shall have the meaning assigned to it by this Act.
- (3) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money’s worth, as purchaser or lessee.

#### Marginal Citations

M33 1965 c. 56.

### [<sup>F195</sup>125 Compulsory acquisition of land on behalf of parish or community councils. E

+W

- (1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for a purpose for which they are authorised to acquire land other than—
  - (a) the purpose specified in section 124(1)(b) above, or
  - (b) a purpose in relation to which the power of acquisition is by an enactment expressly limited to acquisition by agreement,
 they may represent the case to the council of the district in which the parish or community is situated.
- (2) If the district council are satisfied that suitable land for the purpose cannot be acquired on reasonable terms by agreement, they may be authorised by the Secretary of State to purchase compulsorily the land or part of it; and the Acquisition of Land Act 1981 shall apply in relation to the purchase.
- (3) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by an owner and to the convenience of other property belonging to the same owner and shall, as far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.
- (4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.
- (5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.
- (6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
  - (a) refuse to make an order, or
  - (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils,
 the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981

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shall apply as if the order had been made by the district council and confirmed by the Secretary of State.

- (7) In the application of this section to a parish or community council for a group of parishes or communities—
- (a) references to the parish or community shall be construed as references to the area of the group, and
  - (b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of the districts acting jointly.]

#### Textual Amendments

**F195** S. 125 substituted (with savings in S.I. 1990/614, art. 3) by Housing and Planning Act 1986 (c. 63, SIF 81:1), s. 43

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

**C283** S. 125 modified by S.I. 1990/614, art. 3

## 126 Appropriation of land by parish and community councils and by parish meetings. **E+W**

- (1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.
- (2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.
- (3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.
- (4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under [F196section 229 of the Town and Country Planning Act 1990] (land forming part of a common, etc.) unless—
- (a) the total of the land appropriated in any particular common, F197 . . . or fuel or field garden allotment (giving those expressions the same meanings as in [F198the said section 229]) does not in the aggregate exceed 250 square yards, and
  - (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

F199 . . . . .

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[<sup>F200</sup>(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

- (4B) Where land appropriated by virtue of subsection (4A) above is held—
- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

<sup>F201</sup>(5) . . . . .

(6) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the <sup>M34</sup>Lands Clauses Consolidation Act 1845 and section 10 of the <sup>M35</sup>Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

<sup>F201</sup>(7) . . . . .

**Textual Amendments**

**F196** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F197** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F198** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(1\)](#)

**F199** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

**F200** [S. 126\(4A\)\(4B\)](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\), s. 118, Sch. 23 Pt. V para. 17\(2\)](#)

**F201** [S. 126\(5\)\(7\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XIII](#)

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**Marginal Citations**

**M34** 1845 c. 18.

**M35** 1965 c. 56.

**127 Disposal of land held by parishes and communities. E+W**

(1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.



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- (2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [<sup>F202</sup>(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal in the said subsection (2A).]
- (4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under [<sup>F203</sup>the Charities Act 1993].
- (5) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- of the grant of a term not exceeding seven years, or
  - of the assignment of a term which at the date of the assignment has not more than seven years to run.

#### Textual Amendments

**F202** S. 127(3) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), s. 118, [Sch. 23 Pt. V para. 19](#)

**F203** Words in s. 127(4) substituted (1.8.1993) by [1993 c. 10, ss. 98\(1\), 99\(1\)](#), [Sch. 6 para. 12\(3\)](#).

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

**C284** S. 127 excluded (1.10.1998) by [1998 c. 31, s. 77\(6\)\(9\)](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1998/2212, art. 2\(1\)](#), [Sch. 1 Pt. I](#)

### *Land transactions—general provisions*

## 128 Consents to land transactions by local authorities and protection of purchasers. **E+W**

- (1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—
- in relation to any particular transaction or transactions or in relation to a particular class of transactions; and
  - in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and
  - either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).
- (2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—
- in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not

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- been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
- (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.
- (3) Notwithstanding that principal councils are authorities to whom Part II of the <sup>M36</sup>Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

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

- C285** S. 128 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 128: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C286** S. 128 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 128: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 128 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 128 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 128: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 128 applied (with modifications) (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 87(6), **Sch. 14 para. 6** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- C287** S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C288** S. 128(2) restricted by **Housing Act 1980** (c. 51, SIF 61), **s. 137(1)**
- C289** S. 128(2) excluded by **Housing and Building Control Act 1984** (c. 29, SIF 61), **s. 22(7)**
- C290** S. 128(2) restricted by **Local Government Act 1985** (c. 51, SIF 81:1), **ss. 1, 93(1)**
- C291** S. 128(2) amended by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(c)**
- C292** S. 128(2) excluded by **Housing Act 1985** (c. 68, SIF 61), **s. 44(2)**  
S. 128(2) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(c)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
S. 128(2) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(c)**

#### Marginal Citations

**M36** 1959 c. 53.

## 129 Payment of purchase or compensation money by one local authority to another. **E+W**

- (1) With the consent of the Secretary of State, any purchase money or compensation payable in pursuance of the foregoing provisions of this Part of this Act by a local authority in respect of any land acquired from another local authority, being money or compensation which would, apart from this section, be required to be paid into court in accordance with the <sup>M37</sup>Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.

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(2) A decision of the Secretary of State under this section shall be final.

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

**C293** S. 129 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.

S. 129: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

**C294** S.129 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.

S.129: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

S. 129 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 129: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

**Marginal Citations**

**M37** 1965 c. 56.

**130 Acquisition by local authorities of lands belonging to the Duchy of Lancaster.** **E**  
**+W**

The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to Her Majesty in right of that Duchy which the local authority think fit to purchase, and the land may be granted to the local authority and the proceeds of sale shall be paid and dealt with as if the land had been sold under the authority of the <sup>M38</sup>Duchy of Lancaster Lands Act 1855.

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

**C295** S. 130 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 130: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

**C296** S. 130 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.

S. 130: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

S. 130 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 130: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

**Marginal Citations**

**M38** 1855 c. 58.

**131 Savings.** **E+W**

- (1) Nothing in the foregoing provisions of this Part of this Act or in Part VIII below—
- (a) shall authorise the disposal of any land by a local authority in breach of any trust, covenant or agreement which is binding upon them, excluding any trust arising solely by reason of the land being held as public walks or pleasure grounds or in accordance with section 10 of the <sup>M39</sup>Open Spaces Act 1906; or
  - (b) shall affect, or empower a local authority to act otherwise than in accordance with, any provision contained in, or in any instrument made under, any of the enactments specified in subsection (2) below and relating to any dealing in

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land by a local authority or the application of capital money arising from any such dealing.

- (2) The enactments referred to in subsection (1)(b) above are—
- (a) the <sup>M40</sup>Technical and Industrial Institutions Act 1892;
  - (b) the Military Lands Acts 1892 to 1903;
  - <sup>F204</sup>(c) .....
  - (d) the Allotments Acts 1908 to 1950;
  - (e) the Small Holdings and Allotments Acts 1908 to 1931;
  - <sup>F205</sup>(f) the Ancient Monuments and Archaeological Areas Act 1979]
  - (g) section 28 of the <sup>M41</sup>Land Settlement (Facilities) Act 1919;
  - <sup>F206</sup>(h) .....
  - <sup>F207</sup>(i) .....
  - (j) Part III of the <sup>M42</sup>Agriculture Act 1970; and
  - <sup>F207</sup>(jj) .....
  - (k) any local Act (including an Act confirming a provisional order).
  - <sup>F208</sup>(l) .....
  - <sup>F209</sup>(m) the Housing Act 1985]
- (3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of [<sup>F210</sup>]<sup>F211</sup>section 36 of the Charities Act 1993] (restrictions on disposition of charity land)] and, in particular, none of those provisions shall be treated as giving any such authority for a transaction as is referred to in [<sup>F211</sup>section 36(9)(a) of that Act] (certain statutorily authorised transactions not to require the sanction of the Charity Commissioners).
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

#### Textual Amendments

- F204** S. 131(2)(c) repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), s. 68(1), **Sch. 4 Pt. I**; S.I. 1992/2784, arts. 2, 3(3), **Sch. 2 Pt. III**
- F205** S. 131(2)(f) substituted by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), **Sch. 4 para. 13**
- F206** S. 131(2)(h) repealed by Civil Aviation (Amendment) Act 1982 (c. 1, SIF 9), s. 4(3), **Sch. 2**
- F207** S. 131(2)(i)(j) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1**
- F208** S. 131(2)(l) inserted by Housing Act 1980 (c. 51, SIF 61), s. 152(1), **Sch. 25 para. 23** and repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1 Pt. I**
- F209** S. 131(2)(m) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 23**
- F210** Words in s. 131(3) substituted (1.1.1993) by Charities Act 1992 (c. 41), s. 78(1), **Sch. 6 para. 6(a)**; S.I. 1992/1900, art. 4, **Sch. 3**
- F211** Words in s. 131(3) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 12(4)**.

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

- C297** S. 131 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
- S. 131: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- S. 131 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

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S. 131 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 131: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### Marginal Citations

**M39** 1906 c. 25.

**M40** 1892 c. 29.

**M41** 1919 c. 59.

**M42** 1970 c. 40.

### Premises and contracts

#### 132 Provision of offices, etc. by principal councils. **E+W**

A principal council may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the authority, for use for public meetings and assemblies.

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

**C298** S. 132 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 132: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

**C299** S. 132 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 132: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**

S. 132 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 132: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

**C300** S. 132 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(a)**

S. 132 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(a)**

#### 133 Provision of parish and community buildings. **E+W**

A parish or community council may acquire or provide and furnish buildings to be used for public meetings and assemblies or contribute towards the expenses incurred by any other parish or community council or any other person in acquiring or providing and furnishing such a building.

#### 134 Use of schoolroom, etc. in parish or community. **E+W**

(1) If in a parish there is no suitable public room vested in the parish council or the parish trustees, as the case may be, which can be used free of charge, a suitable room in premises of a school maintained by the local education authority [<sup>F212</sup>or of a grant maintained school] or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—

(a) a parish meeting or any meeting of the parish council, where there is one; or

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- (b) meetings convened by the chairman of the parish meeting or by the parish council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the parish where those funds are administered by any committee or officer appointed by the parish council or parish meeting or by the county council or district council.
- (2) If in a community there is no suitable public room vested in the community council which can be used free of charge or there is no community council, a suitable room in premises of a school maintained by the local education authority [<sup>F212</sup>or of a grant maintained school] or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—
- (a) a community meeting or any meeting of the community council, where there is one; or
  - (b) meetings convened by the community council, where there is one; or
  - (c) the administration of public funds within or for the purposes of the community where those funds are administered by any committee or officer appointed by the community council, where there is one, or by the county council or district council.
- (3) Nothing in this section shall authorise—
- (a) the use of a room used as part of a private dwelling; or
  - (b) any interference with the hours during which a room in the premises of a school is used for educational purposes; or
  - (c) any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.
- (4) If, by reason of the use of a room for any of the purposes mentioned in subsection (1) or (2) above, any expense is incurred by persons having control of the room, or any damage is done to the room or the building of which it is part or to its appurtenances, or to the furniture of the room or any teaching aids, the expense or the cost of making good the damage shall be defrayed as an expense of the parish or community council or parish or community meeting.
- (5) If any question arises under this section as to what is reasonable or suitable, it may be determined by the Secretary of State.

#### Textual Amendments

**F212** Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 13**

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

**C301** S. 134(1) applied (1.4.1994) by [S.I. 1994/653](#), reg. 42(1), **Sch. Pt. I**  
S. 134(1) applied (9.5.1994) by [S.I. 1994/1084](#), reg. 8(1), **Sch. 2 Pt. I**

**C302** S. 134(2) applied (1.4.1994) by [S.I. 1994/653](#), reg. 42(1), **Sch. Pt. I**  
S. 134(2) applied (9.5.1994) by [S.I. 1994/1084](#), reg. 8(1), **Sch. 2 Pt. I**

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### 135 Contracts of local authorities. **E+W**

- (1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf.
- (2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
- (3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

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

- C303** S. 135 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 135: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C304** S. 135 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. Sch.2**.  
S. 135: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 135: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 135 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(b)** (with ss.7(6), 115, 117, **Sch. 8 para. 7**)  
S. 135: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(viii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
S. 135: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C305** S. 135 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(b)**  
S. 135 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(b)**

#### Miscellaneous

### 136 Contributions towards expenditure on concurrent functions. **E+W**

Two or more local authorities may make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.

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

- C306** S. 136 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**  
S. 136: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

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S. 136 extended (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 3(1)(c)** (with ss.7(6), 115, 117, Sch. 8 para. 7)  
S. 136: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(ix)**; S.I. 1997/1930, **art. 2(1)(2)(m)**  
**C307** S. 136 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(c)**  
S. 136 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(c)**

[<sup>F213</sup>**137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.** **E+W**

- (1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure—
  - (a) for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment; nor
  - (b) unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.

(1A) In any case where—

- (a) by virtue of paragraph (a) of subsection (1) above, a local authority are prohibited from incurring expenditure for a particular purpose, and
- (b) the power or duty of the authority to incur expenditure for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),

the prohibition in that paragraph shall extend to all expenditure to which that power or duty would apply if it were not subject to any limitation or condition.

- (2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority’s functions.

<sup>F214</sup>(2A) .....

(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

<sup>F215</sup>(a) .....

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and



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“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

- (3) A local authority may, subject to the following provisions of this section, incur expenditure on contributions to any of the following funds, that is to say—
- (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
  - (b) the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or
  - (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member or by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.
- (4) The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—
- (a) such sum as is for the time being appropriate to the authority under subsection (4AA) below, by
  - (b) the relevant population of the authority’s area.
- (4AA) For the purposes of subsection (4)(a) above, except in so far as the Secretary of State by order specifies a different sum in relation to an authority of a particular description,—
- (a) the sum appropriate to a county council or the council of a non-metropolitan district is £2.50;
  - (b) the sum appropriate to a metropolitan district council, a London borough council or the Common Council is £5.00; and
  - (c) the sum appropriate to a parish or community council is £3.50.
- (4AB) For the purposes of subsection (4)(b) above the relevant population of a local authority’s area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.
- (4B) The amounts mentioned in subsection (4A) above are—
- (a) the amount of any expenditure which forms part of the authority’s gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);
  - (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
  - (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;

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- (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;
  - (e) the amount of any repayment in that year of a loan under this section made by the authority in any year; and
  - (f) the amount of any expenditure—
    - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State; or
    - (ii) which is incurred by the authority in that year and is of a description so specified; or
    - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.
- (5) A statutory instrument containing an order under this section may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.
- (6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure, and section 24 of the Local Government Finance Act 1982 (rights of inspection) shall apply in relation to any such separate account of a local authority as it applies in relation to any statement of accounts prepared by them pursuant to regulations under section 23 of that Act.
- <sup>F216</sup>(8) .....
- (9) In this section “local authority” includes the Common Council.]

#### Textual Amendments

- F213** S. 137 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 36(2)-(8) and has effect as set out in Sch. 2 to that Act
- F214** S. 137(2A)(2B) (which were inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 44(a)) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(4)
- F215** S. 137(2C)(a) (which was inserted by Local Government Act 1986 (c. 10, SIF 81:1), ss. 3, 6) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(4)
- F216** S. 137(8) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(6)(b)

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

- C308** S. 137 excluded by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 48(12)
- C309** S. 137 amended by Local Authorities (Expenditure Powers) Act 1983 (c. 52, SIF 81:1, 2), s. 1 (which amending Act was repealed (1.7.1990) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2), Sch. 12 Pt. II; S.I. 1990/1274, art. 3)
- C310** S. 137(1)(a) restricted (retrospective to 1.4.1990) by 1985 c. 68, s. 11A (as inserted (retrospective to 1.4.1990) by 1993 c. 28, s. 126, 188(2)(b)).
- C311** S. 137(4B)(d) amended (28.11.1994) by S.I. 1994/2825, reg. 14(1)(a)
- C312** S. 137(4B)(f)(iii) amended (28.11.1994) by S.I. 1994/2825, reg. 14(1)(b)
- C313** S. 137(7) amended (28.11.1994) by S.I. 1994/2825, reg. 14(2)

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[<sup>F217</sup> **137A** **Financial assistance to be conditional on provision of information.** **E+W**]

- (1) If in any financial year a local authority provides financial assistance—
  - (a) to a voluntary organisation, as defined in subsection (2D) of section 137 above, or
  - (b) to a body or fund falling within subsection (3) of that section,and the total amount so provided to that organisation, body or fund in that year equals or exceeds the relevant minimum, then, as a condition of the assistance, the authority shall require the organisation, body or fund, within the period of twelve months beginning on the date when the assistance is provided, to furnish to the authority a statement in writing of the use to which that amount has been put.
- (2) In this section “financial assistance” means assistance by way of grant or loan or by entering into a guarantee to secure any money borrowed and, in relation to any financial assistance,—
  - (a) any reference to the amount of the assistance is a reference to the amount of money granted or lent by the local authority or borrowed in reliance on the local authority’s guarantee; and
  - (b) any reference to the date when the assistance is provided is a reference to the date on which the grant or loan is made or, as the case may be, on which the guarantee is entered into.
- (3) The relevant minimum referred to in subsection (1) above is £2,000 or such higher sum as the Secretary of State may by order specify.
- (4) It shall be a sufficient compliance with a requirement imposed by virtue of subsection (1) above that there is furnished to the local authority concerned an annual report or accounts which contain the information required to be in the statement.
- (5) A statement (or any report or accounts) provided to a local authority in pursuance of such a requirement shall be deposited with the proper officer of the authority.
- (6) In this section “local authority” includes the Common Council.]

**Textual Amendments**

**F217** S. 137A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 37

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

**C314** S. 137A amended (28.11.1994) by [S.I. 1994/2825](#), reg. 15

**138** **Powers of principal councils with respect to emergencies or disasters.** **E+W**

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—
  - (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

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- (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

[<sup>F218</sup>(1A) If a principal council are of the opinion that it is appropriate to undertake contingency planning to deal with a possible emergency or disaster which, if it occurred,—

- (a) would involve destruction of or danger to life or property, and  
(b) would be likely to affect the whole or part of their area,

they may incur such expenditure as they consider necessary on that planning (whether relating to a specific kind of such possible emergency or disaster or generally in relation to possible emergencies or disasters falling within paragraphs (a) and (b) above).]

(2) ..... <sup>F219</sup>

(3) [<sup>F220</sup>Nothing in this section authorises] a local authority to execute—

- (a) any drainage or other works in any part of a main river, [<sup>F221</sup>within the meaning of Part IV 'of the Water Resources Act 1991], or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or  
(b) any works which local authorities have power to execute under [<sup>F221</sup> sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991],

but subject to those limitations, [<sup>F222</sup>the powers conferred by subsections (1) and (1A) above are] in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.

(4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.

[<sup>F223</sup>(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and the London Fire and Civil Defence Authority may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.

(6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.]

#### Textual Amendments

**F218** S. 138(1A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 156(1)

**F219** S. 138(2) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. I

**F220** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 156(2)(a)

**F221** Words in s. 138 (3)(a)(b) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), Sch. 1 para. 22(2).

**F222** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 156(2)(b)

**F223** S. 138(5)(6) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 156(3)

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

**C315** S. 138 excluded by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(1), Sch. 1

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### 139 Acceptance of gifts of property. **E+W**

- (1) Subject to the provisions of this section a local authority may accept, hold and administer—
  - (a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose; or
  - (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.
- (2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.
- (3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.
- (4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of the Education Acts 1944 to 1971.

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

- C316** S. 139 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(d)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 139: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

### 140 Insurance by local authorities against accidents to members. **E+W**

- [<sup>F224</sup>(1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act [<sup>F225</sup>1982] against risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.]
- (2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member of the authority in respect of an accident to whom that sum is received.
- (3) The provisions of the <sup>M43</sup>Life Assurance Act 1774 shall not apply to any such contract, . . . <sup>F226</sup>
- (4) In this section, the expression . . . <sup>F227cc</sup>“member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.

#### Textual Amendments

- F224** S. 140(1) substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(1)(a)**  
**F225** Words substituted by Insurance Companies Act 1982 (c. 50, SIF 67), **Sch. 5 para. 13**

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**F226** Words repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(1)(b), **Sch. 7 Pt. XVI**

**F227** Words repealed by London Regional Transport Act 1984 (c. 32, SIF 126), **ss. 71(3)(b), 72(7)**, Sch. 7

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

**C317** S. 140 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**

**C318** S. 140 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(d)**

**C319** S. 140 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.

S. 140: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

**C320** S. 140 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.

S. 140: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.

S. 140 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 140: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

S. 140 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

S. 140 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

S. 140 applied (4.3.1996) by S.I. 1996/263, **reg. 16(3)**

S. 140: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(x)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

#### Marginal Citations

**M43** 1774 c. 48.

### [<sup>F228</sup>140] Insurance of voluntary assistants of local authorities. **E+W**

(1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section

“local authority” includes—

- (a) a board constituted in pursuance of [<sup>F229</sup>section 2 of the Town and Country Planning Act 1990] or reconstituted in pursuance of Schedule 17 to this Act;
- (b) the Common Council of the City of London; and
- (c) the Council of the Isles of Scilly; and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.]

#### Textual Amendments

**F228** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(2)**

**F229** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(2)**

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

- C321** Ss. 140A, 140C amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(d)**  
S. 140A extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 140A: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**  
S. 140A extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(e)** (with ss.7(6), 115, 117, Sch. 8 para. 7)

#### [<sup>F230</sup>**140B** Insurance of voluntary assistants of probation committee. **E+W**]

- (1) A county council . . . <sup>F231</sup> may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.
- (2) In this section—
- “relevant probation committee” means—
- in relation to a county council, a probation committee for a probation area wholly or partly within the county; and
  - in relation to Greater London, a probation committee for a probation area wholly or partly within an outer London borough (within the meaning of section 1 of the 1963 Act); and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.]

#### Textual Amendments

- F230** Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(2)**  
**F231** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

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

- C322** S. 140B: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

#### [<sup>F232</sup>**140C** Provisions supplementary to sections 140A, 140B. **E+W**]

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
- class IV in Schedule 1 to the Insurance Companies Act [<sup>F233</sup>1982] (permanent health insurance); and
  - class 1 in Part I of Schedule 2 to that Act (accident insurance).
- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving it to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is

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received or to such other person as the authority consider appropriate having regard to the circumstances of the case; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependant of the voluntary assistant.

- (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.
- (4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.]

#### Textual Amendments

**F232** Ss. 140A–140C inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\), s. 39\(2\)](#)

**F233** Words substituted by [Insurance Companies Act 1982 \(c. 50, SIF 67\), Sch. 5 para. 13](#)

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

**C323** Ss. 140A, 140C amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 57\(7\), Sch. 13 para. 12\(d\)](#)

S. 140C extended (5.7.1994) by [1994 c. 19, ss. 39\(2\), 66\(2\)\(b\), Sch. 13 para. 19\(d\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))

S. 140C: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 3\(3\)](#)

S. 140C extended (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\), Sch. 8 para. 3\(1\)\(e\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

## 141 Research and the collection of information. E+W

- (1) [<sup>F234</sup>The council of a non-metropolitan county] may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning the county or any part of the county and may make, or assist in the making of, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the county, any government department or the public.
- (2) The appropriate Minister with respect to any matter may require the council of a county to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the county in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession of, or available to, any other local authority in the county, but not the county council, the county council may require that other authority to furnish them with that information.

#### Textual Amendments

**F234** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 16 para. 7](#)

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

**C324** S. 141: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 3\(3\)](#)



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## 142 **Provision of information, etc., relating to matters affecting local government.** **E** **+W**

- (1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities [<sup>F235</sup>mentioned in subsection (1B) below] or by government departments or by charities and other voluntary organisations, and other information [<sup>F236</sup>relating to the functions of the authority].
- [<sup>F237</sup>(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.
- (1B) The other authorities referred to above are any other local authority, . . . <sup>F238</sup> a joint authority established by Part IV of the Local Government Act 1985 and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local or other such authorities.]
- (2) A local authority may—
- (a) arrange for the publication within their area of information [<sup>F239</sup>relating to the functions of the authority]; and
  - (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
  - (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and
  - (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.
- [<sup>F240</sup>(2A) A local authority may assist voluntary organisations to provide for individuals—
- (a) information and advice concerning those individuals' rights and obligations; and
  - (b) assistance, either by the making or receiving of communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.]

(3) In this section “local authority” includes the Common Council and “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

### Textual Amendments

**F235** Words inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **s. 3(1)(a)**

**F236** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **s. 3(1)(a)**

**F237** [S. 142\(1A\)\(1B\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **s. 3(1)(b)(2)**

**F238** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**

**F239** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), **s. 3(1)(c)**

**F240** [S. 142\(2A\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), **s. 38(2)**

### Modifications etc. (not altering text)

**C325** [S. 142](#) amended by [S.I. 1990/1765](#), **art. 4(2)**

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**C326** S. 142 modified by S.I. 1990/1765, art. 4(2)(b)

**C327** S. 142: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)  
S. 142 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 6** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

## 143 Subscriptions to local government associations. **E+W**

- (1) A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—
- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
  - (b) of any association of officers or members of local authorities which was so formed.
- (2) In this section “local authority” includes the Common Council.

### Modifications etc. (not altering text)

- C328** S. 143 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 143: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C329** S. 143 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 143: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 143: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)  
S. 143 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(f)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 143: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(xi)**; S.I. 1997/1930, art. 2(1)(2)(m)

## 144 Power to encourage visitors and provide conference and other facilities. **E+W**

- (1) A local authority may (either alone or jointly with any other person or body)—
- (a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area; and
  - (b) provide, or encourage any other person or body to provide, facilities for<sup>F241</sup> . . . , conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.
- (2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.

<sup>F242</sup>(3) . . . . .

<sup>F243</sup>(4) . . . . .

- (5) In this section “local authority” includes the Common Council.

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#### Textual Amendments

- F241** Word repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. 81, [Sch. 2](#)
- F242** [S. 144\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)
- F243** [S. 144\(4\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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

- C330** [S. 144](#) excluded by [Greater London Council \(General Powers\) Act 1978 \(c. xiii\)](#), s. 8  
[S. 144](#) extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), [Sch. 9 para. 6](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- C331** [S. 144](#) modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [art. 29\(1\)\(g\)](#)  
[S. 144](#) modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [art. 29\(1\)\(g\)](#)

### 145 Provision of entertainments. **E+W**

- (1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say—
- the provision of an entertainment of any nature or of facilities for dancing;
  - the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances;
  - the maintenance of a band or orchestra;
  - the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts;
  - any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—
- may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control;
  - may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto;
  - may themselves make charges for admission to any entertainment given or dance or exhibition of arts or crafts held by them and for any refreshment or programmes supplied thereat.
- (3) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

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- (4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of intoxicating liquor.
- (5) In this section, the expression “local authority” includes the Common Council.

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

C332 S. 145 amended and certain functions transferred by S.I. 1989/304, art. 5(3)(h)(4)

C333 S. 145(1) applied (16.7.1998) by 1998 c. ii, s. 5(1)(a)

**146 Transfer of securities on alteration of area, etc. E+W**

- (1) Where any securities are standing in the books of a company in the name of a local authority, the following provisions shall have effect—

- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name;
- (b) if by virtue of anything done under any provision of this Act or the 1963 Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of the county in which the area of that other authority is situated, or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;
- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the court may on application make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be, and the <sup>M44</sup>Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act.

- (2) In this section, the expression—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

“local authority” means a local authority within the meaning of the 1933 Act, the <sup>M45</sup>London Government Act 1939 or this Act or a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, a burial board, a joint burial board or the parish trustees of a parish;

[<sup>F244</sup>“securities” has the meaning given in section 98(1) above]

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- (3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a county court would have jurisdiction if the application were an application made under the <sup>M46</sup>Trustee Act 1925, by that court.

#### Textual Amendments

**F244** Definition substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), [Sch. 16 para. 8\(b\)](#)

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

- C334** [S. 146](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), [Sch. 13 para. 12\(e\)](#)  
[S. 146](#) applied (12.4.1994) by [S.I. 1994/867](#), [reg. 11\(6\)](#)  
[S. 146](#) extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(e\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
[S. 146](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)  
[S. 146](#) extended (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), [Sch. 8 para. 4](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))  
**C335** [S. 146\(1\)\(b\)](#) extended (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), [Sch. 8 para. 4](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))

#### Marginal Citations

- M44** [1925 c. 19](#).  
**M45** [1939 c. 40](#).  
**M46** [1925 c. 19](#).

### [<sup>F245</sup>146] Joint Authorities and Inner London Education Authority. **E+W**

- (1) A joint authority . . . <sup>F246</sup> shall be treated—
- (a) as [<sup>F247</sup>a local authority] for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except sub-sections (1)(b) and (2) ), 140, 140A, 140C, 143 and 146 above; and
- (b) as a principal council for the purposes of section 120 (except subsection (1) (b)) and sections 121 to 123 above.
- (2) . . . . . <sup>F248</sup>]

#### Textual Amendments

- F245** [S. 146A](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 16](#)  
**F246** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)  
**F247** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), [Sch. 12 Pt. II para. 43](#)  
**F248** [S. 146A\(2\)](#) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

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

- C336** [S. 146A\(1\)](#) amended by [S.I. 1985/1884](#), [art. 10](#), [Sch. 3 para. 1\(j\)](#)  
**C337** [S. 146A\(1\)](#) modified by [S.I. 1987/2110](#), [art. 2\(2\)](#) [Sch. 1 para. 3\(j\)](#)

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**PART VIII E+W**

FINANCE

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

**C338** Pt. VIII (ss. 147–178) modified by S.I. 1983/249, reg. 2, **Sch. 4**

*Expenses and receipts*

<sup>F249</sup>**147** ..... **E+W**

**Textual Amendments**

**F249** S. 147 repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch.1**.

**148** **Principal councils’ funds and accounts.** **E+W**

<sup>F250</sup>(1) .....

(2) The council of each county shall keep a fund to be known as the county fund . . . <sup>F251</sup>

(3) <sup>F250</sup> .....

[<sup>F252</sup>(4) All receipts of a county council shall be carried to the county fund, and all liabilities falling to be discharged by that council shall be discharged out of that fund.]

(5) Accounts shall be kept of receipts carried to, and payments made out of,

[<sup>F253</sup>(a) the county fund, in the case of a county, and

(b) the collection fund and the general fund established under sections 89 and 91 of the Local Government Finance Act 1988, in the case of a district or London borough;]

, and any account kept in respect of general expenses only of a principal area shall be called the general account of that area and any account kept in respect of any class of special expenses only of any such area shall be called a special account of that area.

**Textual Amendments**

**F250** S. 148(1)(3) repealed ( 21. 8. 1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch.1**.

**F251** Words repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F252** S. 148(4) substituted (21. 8. 1991) by S.I. 1991/1730, arts. 1, 2(2), **Sch. 2**, Pt. 1.

**F253** S. 148(5): words in s. 148(5) substituted (21.8.1991) by S.I 1991/1730, arts. 1, 2(2)(b)

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

**C339** S. 148(2) modified by **Local Government Act 1985** (c. 51, SIF 81:1), **s. 63(2)(6)**

<sup>F254</sup>**149** ..... **E+W**

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### Textual Amendments

**F254** S. 149 repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch. 1**.

## 150 Expenses of parish and community councils. **E+W**

**F255**(1) . . . . .

- (2) In a parish having a separate parish council or in a community having a council, whether separate or common, the expenses of the parish meeting or any community meeting shall be paid by the parish or community council.
- (3) In a community not having a community council, whether separate or common, the expenses of any community meeting shall be paid by the council of the district in which the community is situated.

**F256**(4) . . . . .

- (5) Every cheque or other order for the payment of money by a parish or community council shall be signed by two members of the council.
- (6) Every parish or community council and the chairman of the parish meeting for a parish not having a separate parish council shall keep such accounts as may be prescribed of the receipts and payments of the council or parish meeting, as the case may be.
- (7) References in this section to the expenses of a parish or community meeting include references to the expenses of any poll consequent on a parish or community meeting.

### Textual Amendments

**F255** S. 150(1) repealed (1.4.1993) by S.I. 1993/616, art. 2, **Sch. 1 Pt. I** (with art. 4).

**F256** S. 150(4) repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch. 1**.

## 151 Financial administration. **E+W**

Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

### Modifications etc. (not altering text)

**C340** S. 151 amended (28.11.1994) by S.I. 1994/2825, **reg. 26(1)**

S. 151 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 151 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)

**C341** S. 151 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 23(1)**

S. 151 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 23(1)**

**C342** S. 151 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(1)**

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**152 Revenues from undertakings. E+W**

Nothing in sections 147 to 150 above shall be construed as requiring or authorising a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with any enactment or instrument applicable to the undertaking.

<sup>F257</sup>**153 Application of capital money on disposal of land. E+W**

.....

**Textual Amendments**

**F257** S. 153 repealed (the repeal being subject to 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**

<sup>F258</sup>**154**..... **E+W**  
**167**

**Textual Amendments**

**F258** Ss. 154–167 repealed by **Local Government Finance Act 1982** (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

*Miscellaneous provisions as to finance and rating*

**168 Local financial returns. E+W**

- (1) Subject to subsection (3) below, every local authority and the chairman of the parish meeting of every parish not having a separate parish council shall make a return to the Secretary of State for each year ending on 31st March, or such other day as the Secretary of State may direct,—
  - (a) of their income and expenditure or, in the case of the chairman of a parish meeting, the income and expenditure of the parish meeting;
  - <sup>F259</sup>(b) in the case of any [<sup>F260</sup>billing authority]—
    - (i) of the amount payable to the authority by way of [<sup>F261</sup>council tax] and non-domestic rates; and
    - (ii) of the amount paid to any other authority in pursuance of a precept or levy.]
- (2) Returns under this section shall be in such form, shall contain such particulars, shall be submitted to the Secretary of State by such date in each year and shall be certified in such manner as the Secretary of State may direct, and a direction under this subsection may impose different requirements in relation to returns of different classes.
- (3) If it appears to the Secretary of State that sufficient information about any of the matters mentioned in subsection (1) above has been supplied to him by a local authority or by or on behalf of a parish meeting under any other enactment, he may exempt the authority or the chairman of the meeting from all or any of the requirements of this section so far as they relate to that matter.



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- (4) The Secretary of State shall as respects each year cause a summary to be made of the returns sent to him under this section and of any information supplied to him under any other enactment in consequence of which he has granted an exemption under this section and shall lay the summary before both Houses of Parliament.

[<sup>F262</sup>(5) In this section “local authority” means—

- [ a billing authority or a precepting authority, as defined in section 69 of the <sup>F263</sup>(a) Local Government Finance Act 1992;  
(aa) a combined police authority or a combined fire authority, as defined in section 144 of the <sup>M47</sup>Local Government Finance Act 1988;]  
(b) a levying body within the meaning of section 74 of that Act; and  
(c) a body as regards which section 75 of that Act applies]

#### Textual Amendments

**F259** S. 168(1)(b) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 17**

**F260** Words in s. 168(1)(b) substituted (1.4.1993) by virtue of Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 34(1)(a)** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art.3**

**F261** Words in s. 168(1)(b)(i) substituted (1.4.1993) by virtue of Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 34(1)(b)** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3**

**F262** S. 168(5) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 18**

**F263** S. 168(5)(a)(aa) substituted (1.4.1993) for para. (a) by virtue of Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 34(2)** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art.3**

#### Marginal Citations

**M47** 1988 c. 41.

### 169 Initial expenses of new authorities. **E+W**

- (1) As soon as may be after the first election of councillors for a new principal area, each existing rating authority whose area or part of whose area falls within that new principal area shall, in accordance with arrangements made by the Secretary of State by regulations, cause the appropriate contribution to be paid into the county fund where the new principal area is a county and into the general rate fund where the new principal area is a district.
- (2) In subsection (1) above “the appropriate contribution”, in relation to an existing rating area or any part of such an area, means an amount equal to one quarter or such other fraction as the Secretary of State may by order prescribe of the product of a rate of 1p in the pound levied in that rating area, or, as the case may be, that part, for the year 1973-74, being—
- (a) in the case of the area of an existing county borough, that product as ascertained for the purposes of Part II of Schedule 1 to the <sup>M48</sup>Local Government Act 1966;
- (b) in a case where that product has been estimated by the rating authority for the purposes of section 12(2) of the <sup>M49</sup>General Rate Act 1967 (precepts by county councils, etc.), that product as so estimated;
- (c) in any other case, that product estimated by the rating authority in the same way as it would fall to be estimated for the purposes of the said section 12(2).
- (3) A statutory instrument containing an order under subsection (2) above—

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- (a) may apply to all existing rating areas or may make different provision in relation to existing rating areas of different descriptions; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The council of a new area may borrow for the purpose of meeting any expenditure incurred by them before 1st April 1974 and the council of a new district in Wales may borrow for the purpose of lending to the council of a community in the district to enable the latter to meet any expenditure so incurred.
- (5) With a view to providing sums which may be transferred by an order under section 254 below to one or more new local authorities any existing authority for an area outside Greater London may include in any rates made or precepts issued by them in respect of the last rate period before 1st April 1974 provision to meet contingencies or defray any expenditure which, if this Act had not been passed, would have fallen to be defrayed by the existing authority on or after that date and before the date on which the moneys to be received in respect of the next subsequent rate or precept would have become available.

**Marginal Citations**

M48 1966 c. 42.

M49 1967 c. 9.

F264 **170** ..... **E+W**

**Textual Amendments**

F264 S. 170 repealed by Rates Act 1984 (c. 33, SIF 103:1), ss. 16(3), 19

F265 **171** ..... **E+W**

**Textual Amendments**

F265 S. 171 repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. VI

**172 Miscellaneous amendments of enactments relating to finance and rating. E+W**

<sup>F266</sup> . . . Part II of that Schedule shall have effect for making amendments and modifications of enactments relating to local government finance and rating which are not replaced by Part I of that Schedule or the foregoing provisions of this Part of this Act.

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### Textual Amendments

**F266** Words 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**

### *Allowances to members of local authorities and other bodies*

#### **173 Attendance allowance and financial loss allowance. E+W**

- (1) Subject to subsection (6) below, any member of a [<sup>F267</sup>parish or community council] who is a councillor shall be entitled to receive a payment by way of attendance allowance, that is to say, a payment for the performance of any approved duty, being a payment of such reasonable amount, not exceeding the prescribed amount, as the [<sup>F267</sup>parish or community council] may determine [<sup>F268</sup>unless a notice under section 173A below is effective in relation to him].
- (2) The amount prescribed under subsection (1) above may be prescribed by reference to any period of twenty-four hours.
- (3) The amount of any allowance determined by a [<sup>F267</sup>parish or community council] under subsection (1) above may vary according to the time of day and the duration of the duty, but shall be the same for all members of the [<sup>F269</sup>council] entitled to the allowance in respect of a duty of any description at the same time of day and of the same duration.
- (4) Subject to subsection (6) below, any member of a [<sup>F270</sup>parish or community council] who is not entitled under subsection (1) above to receive attendance allowance for the performance of an approved duty shall be entitled to receive a payment by way of financial loss allowance, that is to say, a payment not exceeding the prescribed amount in respect of any loss of earnings necessarily suffered, or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform that duty.
- <sup>F271</sup>(5) .....
- (6) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

### Textual Amendments

**F267** Words in s. 173 substituted (27.2.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989** (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 26(a)**; S.I. 1991/344, **art.3(1)(2)** (with saving in Sch. para. 1(1)(a))

**F268** Words added by **Local Government, Planning and Land Act 1980** (c. 65, SIF 81:1), s. 24(1)(3)

**F269** Word in s. 173(3) substituted (27.2.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989** (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 26(b)**; S.I. 1991/344, **art.3(1)(2)** (with saving in Sch. para. 1(1)(a))

**F270** Words in s. 173(4) substituted (27.1.1991 for certain purposes and 1.4.1991 otherwise) by **Local Government and Housing Act 1989** (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 26(c)**; S.I.1991/344,art. 3(1)(2) (with saving in Sch. para. 1(1)(a)(2))

**F271** S. 173(5) repealed by S.I. 1977/1710, **art. 3(c)**

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

- C343** S. 173 modified by S.I. 1991/351, **reg. 23**  
 S. 173 restricted by S.I. 1991/351, **reg. 21**  
 S. 173 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**  
 S. 173 extended (1.11.1996) by 1996 c. 56, ss. 423(4), 583(2), **Sch. 33 Pt. I para. 4(b)** (with s. 1(4))
- C344** S. 173: power to amend or repeal conferred (1.11.2000 for W. and 19.2.2001 for E.) by 2000 c. 22, **s. 100(4)**; S.I. 2000/2948, **art. 2**; S.I. 2001/415, **art. 2(b)**  
 S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 94(5C) (as substituted by 2002 c. 32, **ss. 50**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(1)(2)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(3)(a)))  
 S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 9.1.2004 for W.) by Education Act 2002 (c. 32), **ss. 52(6)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 4); S.I. 2003/2961, **art. 7**, Sch. Pt. IV  
 S. 173: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 95(3B) (as substituted for s. 95(3) by 2002 c. 32, ss. 51, 216(4), **Sch. 4 para. 9** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(3)(4)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(1)))
- C345** Ss. 173-175 restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(a)(2)**
- C346** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**
- C347** S. 173(4) applied (with modifications) (E.) (1.4.2008) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (S.I. 2008/532), **reg. 7**, **Sch. para. 5(1)**
- C348** S. 173(4) extended by Education Act 1980 (c. 20, SIF 41:1), s. 7(4), **Sch. 2 para. 4**  
 S. 173(4) modified (1.9.1999) by 1998 c. 31, s. 24(5), **Sch. 4 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1**
- C349** S. 173(4) applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(1)** (with ss. 138(9), 144(6)); S.I. 1999/1016, **art. 2(1)**, **Sch. 1**  
 S. 173(4) applied (with modifications) (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, **art. 2(1)**, **Sch. 1**  
 S. 173(4) applied (with modifications) (E.) (20.1.2003) by The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899), **reg. 7(1)**  
 S. 173(4) applied (with modifications) (W.) (31.5.2005) by The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398), **reg. 7(1)**  
 S. 173(4) applied (W.) (9.1.2004) by The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I. 2003/3227), **reg. 7**, **Sch. para. 3(1)**

#### [<sup>F272</sup>173A] Right to opt for financial loss allowance. **E+W**

- (1) If a councillor gives notice in writing to the [<sup>F273</sup>parish or community council] of which he is a member that he wishes to receive financial loss allowance, he shall be entitled, subject to and in accordance with the following provisions of this section, to receive that allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.
- (2) A notice under this section is referred to in this section as a “financial loss allowance notice”.
- (3) If a councillor gives a financial loss allowance notice to the [<sup>F273</sup>parish or community council] not later than the end of the period of [<sup>F274</sup>one month beginning with the day of] his election as a member of the [<sup>F275</sup>council][<sup>F276</sup>then, subject to subsection (4A) below], he shall be entitled to receive financial loss allowance for the performance

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of any approved duty since his election, whether performed before or after the giving of the notice.

[ If a councillor gives a financial loss allowance notice to the [<sup>F273</sup>parish or community council] otherwise than in accordance with subsection (3) above, then, subject to subsection (4A) below, he shall be entitled to receive financial loss allowance for the performance of any approved duty after the end of the period of one month beginning with the day on which the notice is given.

(4A) If a councillor who has given a [<sup>F273</sup>parish or community council] a financial loss allowance notice gives them notice in writing that he withdraws that notice, it shall not have effect in relation to any duty performed after the day on which the notice of withdrawal is given.]]

#### Textual Amendments

**F272** S. 173A inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 24(2)(3)

**F273** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 194(1), Sch. 11 para. 26(a); S.I.1991/344, art. 3(2)

**F274** Words substituted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(2)

**F275** Word in s. 173A(3) substituted (1.4.1991), by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s.194(1), Sch. 11 para. 26(b); S.I.1991/344, art 3(2)

**F276** Words inserted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(2)

**F277** S. 173A(4)(4A) substituted for S. 173A(4)–(6) by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), s. 7(1)(3)

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

**C350** S. 173A applied (4.3.1996) by S.I. 1996/263, reg. 16(4)

S. 173A: power to amend or repeal conferred (W.) (1.11.2000) and (E.) (19.2.2001) by 2000 c. 22, s. 100(4); S.I. 2000/2948, art. 2; S.I. 2001/415, art. 2(b)

**C351** Ss. 173-175 restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), reg. 34(1)(a)(2)

**C352** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 14(2)

**C353** S. 173A(3) modified by S.I. 1985/1884, art. 10, Sch. 3 para. 3(a)

**C354** S. 173A(3) amended (*temp.*) by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 11(7) (the amendment falls by virtue of the repeal of the said s.11 (1.4.1991) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), ss. 194(4), Sch. 12 Pt. II); which was brought into force by S.I. 1991/344, art. 3(2)

## 174 Travelling allowance and subsistence allowance. **E+W**

- (1) Subject to subsections (2) and (3) below, a member of a body to which this section applies shall be entitled to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling (whether inside or outside the United Kingdom) or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body, being payments at rates determined by that body, but not exceeding, in the case of travel [<sup>F278</sup>or subsistence] for the purpose of an approved duty within the United Kingdom, such rates as may be specified by the Secretary of State.
- (2) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within

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the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

<sup>F279</sup>(3) . . . . .

#### Textual Amendments

- F278** Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), **s. 25(1)**  
**F279** S. 174(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**

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

- C355** S. 174 extended by Education Act 1980 (c. 20, SIF 41:1), s. 7(4), **Sch. 2 para. 4**  
 S. 174 extended (1.11.1996) by 1996 c. 56, ss. 423(4), 583(2), **Sch. 33 Pt. I para. 4(a)** (with s. 1(4))  
 S. 174 extended (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C356** S. 174 modified by S.I. 1991/351, **reg. 23**  
 S. 174 modified (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 11(1)** (with ss. 7(6), 115, 117)  
 S. 174 modified (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 3(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C357** S. 174 restricted by S.I. 1991/351, **reg. 21**  
 Ss. 173-175 restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(a)(2)**
- C358** S. 174 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**  
 S. 174 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
 S. 174 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**  
 S. 174 applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(1)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- C359** S. 174: power to amend or repeal conferred (1.11.2000 (W.) and 19.2.2001 (E.)) by 2000 c. 22, **s. 100(4)**; S.I. 2000/2948, **art. 2**; S.I. 2001/415, **art. 2(b)**  
 S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 94(5C) (as substituted by 2002 c. 32, **ss. 50, 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(1)(2)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(3)(a)))  
 S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 9.1.2004 for W.) by Education Act 2002 (c. 32), **ss. 52(6), 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 4); S.I. 2003/2961, **art. 7**, Sch. Pt. IV  
 S. 174: power to apply (with modifications) conferred (20.1.2003 for E. and 31.5.2005 for W.) by 1998 c. 31, s. 95(3B) (as substituted for s. 95(3) by 2002 c. 32, ss. 51, 216(4), **Sch. 4 para. 9** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2** (with Sch. para. 3(3)(4)); S.I. 2005/1395, **art. 4**, Sch. (with art. 5(1)))
- C360** S. 174 excluded (W.) (9.8.2002) by The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (S.I. 2002/1895), **reg. 20(3)**  
 S. 174 excluded (W.) (1.4.2003) by The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (S.I. 2003/895), **reg. 15(3)**
- C361** S. 174 disappplied (W.) (29.9.2004) by The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555), **reg. 20**
- C362** S. 174 extended (temp.) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 15(1)**  
 S. 174 extended (temp.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 15(1)**
- C363** Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

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- C364** S. 174(1) applied (with modifications) (E.) (1.4.2008) by The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (S.I. 2008/532), reg. 7, **Sch. para. 5(2)**
- C365** S. 174(1) modified (1.9.1999) by 1998 c. 31, s. 67(2), **Sch. 18 para. 3(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**  
S. 174(1) modified (1.9.1999) by 1998 c. 31, s. 24, **Sch. 4 para. 3(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C366** S. 174(1) applied (with modifications) (1.4.1999) by 1998 c. 31, s. 94(5), **Sch. 24 Pt. I para. 5(2)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**  
S. 174(1) applied (with modifications) (E.) (20.1.2003) by The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899), **reg. 7(2)**  
S. 174(1) applied (with modifications) (E.) (20.1.2003) by The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I. 2002/3178), reg. 6, **Sch. para. 3(2)**  
S. 174(1) applied (with modifications) (W.) (31.5.2005) by The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398), **reg. 7(2)**  
S. 174(1) applied (W.) (9.1.2004) by The Education (Pupil Exclusions and Appeals)(Maintained Schools)(Wales) Regulations 2003 (S.I. 2003/3227), reg. 7, {Sch. para. 3(2)}

## 175 Allowances for attending conferences and meetings. **E+W**

- (1) The following bodies, that is to say—
- (a) any local authority;
  - (b) any other body to which this section applies and which has power by virtue of any enactment to send representatives to any conference or meeting to which this section applies;
- may pay any member of the authority or other body attending any such conference or meeting such [<sup>F280</sup>allowances in the nature of an attendance allowance and an allowance for travelling and subsistence, as they think fit.
- (1A) Payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
  - (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 174 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.]
- (2) Where a body mentioned in subsection (1)(b) above has power under any enactment other than this Act or any instrument under such an enactment to pay expenses incurred in attending a conference or meeting to which this section applies, the amount payable under that enactment or instrument shall not exceed the amount which would be payable in respect of the attendance under that subsection.
- (3) In relation to a local authority this section applies to a conference or meeting held inside or outside the United Kingdom and convened by any person or body (other than

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a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.

[<sup>F281</sup>(3B)] [<sup>F282</sup>In relation to any][<sup>F283</sup>body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities] this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body's opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.]

(4) In relation to any other body to which this section applies this section applies to a conference or meeting convened by one or more such bodies or by an association of such bodies.

#### Subordinate Legislation Made

**P1** [S.175\(1A\)](#):s.178(1)(with ss.173,175(1A),177(1)(b)(f),177(2), 270(1)) power exercised by [S.I. 1991/351](#)

#### Textual Amendments

**F280** In s.175 words and s.175(1A) substituted (1.4.1990 in so far as the substituting provision confers a power on the Secretary of State but otherwise 1.4.1991: [S.I. 1990/431](#), art.4; [1991/344](#), art.3(2)) by [Local Government and Housing Act 1989 \(c. 42,SIF 81:1\)](#),s. 194(1), Sch. 11 para. 27(a)

**F281** [S. 175\(3B\)](#) inserted by virtue of [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **s. 25(3)** and [Water Act 1983 \(c. 23, SIF 130\)](#) s. 11(2), Sch. 4 para. 7

**F282** Words inserted by virtue of [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), **Sch. 4 para. 7**

**F283** [S.175\(3B\)](#) substituted (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42,SIF 81:1 ,2\)](#),s. 194(1), Sch. 11 para. 27(b); [S.I.1991/344](#),art. 3(2)

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

**C367** [S. 175](#) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 5**

**C368** [s. 175](#) restricted by [S.I.1991/351](#), **regs.17,21**

[S. 175](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**

[S. 175](#) extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 11(1)** (with ss. 7(6), 115, 117)

[S. 175](#) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 16(4)**

**C369** [S. 175\(3B\)](#) applied (with modifications) (23.11.1995) by [S.I. 1995/2803](#), art. 18, **Sch. 5 para. 1**

[S. 175\(3B\)](#) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), art. 18, **Sch. 5 Pt. I para. 1**

## 176 Payment of expenses of official and courtesy visits, etc. **E+W**

(1) Subject to subsection (2) below, a local authority may—

- (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the authority;
- (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the authority and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons.



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(2) In the case of a visit within the United Kingdom, the amount defrayed under this section by a local authority in respect of the expenses of any member of the authority in making a visit within the United Kingdom shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 174 above if the making of the visit had been an approved duty of that member.

[<sup>F284</sup>(3) In this section “local authority” includes a joint authority . . . <sup>F285</sup>]

#### Textual Amendments

**F284** S. 176(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 18**

**F285** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C370** S 176 restricted by S.I. 1991/351, **reg.21**

S. 176 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 176 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 11(1)** (with ss. 7(6), 115, 117)

S. 176 applied (4.3.1996) by S.I. 1996/263, **reg. 16(4)**

**C371** S. 176 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2.**

S. 176: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2.**

**C372** S. 176 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2.**

S. 176: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2.**

**C373** S. 176(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(l)**

**C374** S. 176(3) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(1)**

### 177 Provisions supplementary to sections 173 to 176. **E+W**

[<sup>F286</sup>(1) Subject to paragraph 4 of Schedule 2 to the Education Act 1980 (application of certain allowances to appeal committees), sections 174 and 175 above apply—

(a) to the bodies specified in section 21(1) of the Local Government and Housing Act 1989, except—

(i) the Common Council;

(ii) a body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies); and

(iii) without prejudice to section 265 below, the Council of the Isles of Scilly;

(b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented; and

(c) to any parish or community council.]

[<sup>F287</sup>(2) In sections 173 to 176 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.]

[<sup>F288</sup>(2A) . . . . .]

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- (3) For the purposes of sections 173 to 176 above <sup>F289</sup> . . . a member of a committee or sub-committee of a local authority or other body mentioned in subsection (1) above shall be deemed to be a member of that body.
- (4) Section 94(5) above shall apply in relation to a member of any body mentioned in subsection (1) above to whom it would not otherwise apply as it applies in relation to a member of a local authority; and no other enactment or instrument shall prevent a member of any such body from taking part in the consideration or determination of any allowance or other payment under any of the provisions of sections 173 to 176 above [<sup>F290</sup> or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989].

<sup>F291</sup>(5) . . . . .

**Textual Amendments**

- F286** S.177(1) substituted (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(1), Sch.11 para.28(2) which is in force 1.4.1991 by [S.I. 1991/344, art.3\(2\)](#)( with saving in Sch. para. 1(1) (b)
- F287** Words in [s.177\(2\)](#) substituted (16.1.1990) to the extent mentioned in [S.I.1989/2445, art.4](#) otherwise 1.4.1991), by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(1), Sch. 11 para.28(3); [S.I.1991/344, art.3\(2\)](#)
- F288** S.177(2A) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch.12 Pt. II](#); [S.I. 1991/344, art.3\(2\)](#)
- F289** Words in [S.177\(3\)](#) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(4), [Sch.12 Pt.II](#); [S.I. 1991/344, art. 3\(2\)](#)
- F290** S.177(4): Words inserted by [Local Government And Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), [Sch. 11 para. 28\(4\)](#)
- F291** S.177(5) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s.194(4), [Sch.12 Pt.II](#); [S.I.1991/344, art.3\(2\)](#)

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

- C375** S. 177: In the application of this Act to the Isles of Scilly "and" is inserted at the end of s. 177(1)(a)(i) and the words in s.177(1)(a) after "residuary bodies)" are omitted ( 1.4.1991) by virtue of [S.I.1991/446, art.2](#)
- C376** S.177 modified by [S.I.1985/1884, art.10, Sch.3 para.3\(b\)](#)
  - S. 177 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 4\(1\)](#)
  - S. 177 extended (19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\), Sch. 7 para. 11\(1\)](#) (with ss. 7(6), 115, 117)
  - S. 177 applied (4.3.1996) by [S.I. 1996/263, reg. 16\(4\)](#)
  - S. 177 applied (with modifications) (4.6.1996) by [S.I. 1996/1243, art. 18, Sch. 5 Pt. I para. 2](#)

<sup>F292</sup>**177A** . . . . . **E+W**

**Textual Amendments**

- F292** S.177A repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s.194(4), Sch.12 Pt.II; [S.I.1991/344, art.3\(2\)](#)

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## 178 Regulations as to allowances. **E+W**

- (1) The Secretary of State may make regulations as to the manner in which sections 173 to 176 <sup>F293</sup> . . . above are to be administered, and in particular, and without prejudice to the generality of the foregoing provision, may make regulations—
- (a) providing for the avoidance of duplication in payments under those sections, or between payments under any of those sections and any other Act, and for the determination of the body or bodies by whom any payments under those sections are to be made, and, where such payments are to be made by more than one body, for the apportionment between those bodies of the sums payable;
  - (b) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under those sections;
  - (c) providing for the publication by a body to which sections 173 to 175 above apply, in the minutes of that body or otherwise, of details of such payments.
- (2) A statutory instrument containing regulations under section 173 [<sup>F294</sup>or 177] above or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

**F293** Words in s.178(1) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s.194\(4\), Sch. 12 Pt. II; S.I. 1991/344, art. 3\(2\)](#)

**F294** Words in s. 178(2) substituted (1.4.1991) by [Local Government and Housing Act 1989\(c. 42, SIF 81:1\), s.194\(1\), Sch.11 para. 29; S.I.1991/344,art.3\(2\)](#)

### Modifications etc. (not altering text)

**C377** S. 178 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), art. 20\(6\)](#)

**C378** S. 178 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\), art. 9\(8\)](#)

**C379** S. 178 applied (4.3.1996) by [S.I. 1996/263, reg. 16\(4\)](#)

S. 178 applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042, art. 4\(1\)](#)

S. 178: power to amend or repeal conferred (1.11.2000 (W.) and 19.2.2001 (E.) by [2000 c. 22, s. 100\(4\); S.I. 2000/2948, art. 2; S.I. 2001/415, art. 2\(b\)](#)

**C380** Ss. 173-178 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\), reg. 14\(2\)](#)

## PART IX **E+W**

### FUNCTIONS

#### *General*

## 179 General provision for transfer of functions. **E+W**

- (1) Subsections (2) to (4) below shall have effect for the purpose of adapting the provisions of—
- (a) public general Acts passed before, or during the same session as, this Act; and

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- (b) instruments made before the passing of this Act under public general Acts, being instruments of a legislative character and not being instruments in the nature of local enactments;
- and, in particular, for the purpose of providing for the exercise of functions conferred by such provisions, but those subsections shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.
- (2) In any such provision any reference to an administrative county or its council, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified county or council or is to be construed as such, be construed as a reference to a new county or its council, as the case may be.
- (3) In any such provision any reference to an urban district (whether as such or as a district or county district) or to the council of such a district, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified district or council or is to be construed as such, be construed as a reference to a new district or its council, as the case may be.
- (4) In any such provision any reference to a rural parish (whether as such or as a parish) or the council or meeting of such a parish, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified parish or its council or meeting, be construed—
- (a) as respects England, as a reference to a parish or, as the case may be, its council or meeting; and
  - (b) as respects Wales, as a reference to a community or, as the case may be, its council, if any.

#### *The environment*

### **180 Public health. E+W**

- (1) For the purposes of the enactments to which this section applies, the local authority and sanitary authority (whether urban or not) shall—
- (a) for a district, be the district council;
  - (b) for a London borough, be the borough council;
  - (c) for the City, be the Common Council;
  - (d) for the Inner Temple and Middle Temple, be the Sub-Treasurer and the Under Treasurer thereof respectively;
- but the foregoing provision shall have effect subject to the other provisions of this Act and, in particular, to Schedule 14 to this Act and, as respects any area in Greater London, to Part I of Schedule 11 to the 1963 Act.
- (2) The <sup>M50</sup>Public Health Act 1936 shall have effect subject to the amendments and modifications specified in Part I of Schedule 14 to this Act and Part II of that Schedule shall have effect for making amendments and modifications to other enactments relating to public health, building control, public parks, lighting and related matters.
- (3) This section applies to the following enactments:—
- (a) the Public Health Acts 1875 to 1925;
  - [<sup>F295</sup>(b) the <sup>M51</sup>Alkali, &c. Works Regulation Act 1906;]

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- (c) the <sup>M52</sup>Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;
  - [<sup>F296</sup>(d) section 8 of the <sup>M53</sup>Local Government (Miscellaneous Provisions) Act 1953;]
  - (e) Part XIII of the <sup>M54</sup>Mines and Quarries Act 1954;
  - (f) the <sup>M55</sup>Clean Air Acts 1956 <sup>M56</sup> and 1968;
  - [<sup>F296</sup>(g) section 1 of the <sup>M57</sup>Noise Abatement Act 1960;]
  - (h) the <sup>M58</sup>Public Health Act 1961, except so much of it as falls within section 181(2) below;
  - (i) ..... <sup>F297</sup>
  - (j) ..... <sup>F298</sup>
  - (k) section 6 of the <sup>M59</sup>Chronically Sick and Disabled Persons Act 1970.
- (4) Expressions used in this section and Schedule 14 to this Act and in the <sup>M60</sup>Public Health Act 1936 shall, except so far as the context otherwise requires, have the same meanings respectively in this section and that Schedule as they have in that Act.

#### Textual Amendments

**F295** S. 180(3)(b) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(3), **Sch. 16 Pt. I**

**F296** S. 180(3)(d)(g) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

**F297** S. 180(3)(i) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**F298** S. 180(3)(j) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

#### Marginal Citations

**M50** 1936 c. 49.

**M51** 1906 c. 14.

**M52** 1936 c. 49.

**M53** 1953 c. 26.

**M54** 1954 c. 70.

**M55** 1956 c. 52.

**M56** 1968 c. 62.

**M57** 1960 c. 68.

**M58** 1961 c. 64.

**M59** 1970 c. 44.

**M60** 1936 c. 49.

## 181 Water and sewerage. **E+W**

- (1) For the purposes of the following enactments, that is to say—
- (a) Part IV of the <sup>M61</sup>Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;
  - (b) the <sup>M62</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to water;
  - (c) section 12 of the <sup>M63</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (d) the <sup>M64</sup>Water Acts 1945 <sup>M65</sup> and 1948 and the <sup>M66</sup>Water Act 1958;
- the local authority shall, for any district, be the district council, and for any London borough, be the borough council.

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- (2) For the purposes of the following enactments, that is to say—
- (a) [<sup>F299</sup>sections 15, 17–24, 27, 29–34, 36 and 42] of the <sup>M67</sup>Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;
  - (b) the <sup>M68</sup>Public Health (Drainage of Trade Premises) Act 1937;
  - (c) the <sup>M69</sup>Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;
  - (d) section 13 of the <sup>M70</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (e) sections 12 to 15 and Part V of, and Schedule 2 to, the <sup>M71</sup>Public Health Act 1961;

the local authority shall for any area outside Greater London be the district council.

(3) ..... <sup>F300</sup>

(9) An order under section 6 of the <sup>M72</sup>Public Health Act 1936 or under subsection (3) above or an order amending any such order may confer on a joint board constituted for the exercise of sewerage functions any of the sewerage functions of the constituent members and may confer such functions—

- (a) subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the discharge of the functions by the constituent member); or
- (b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.

(10) Schedule 15 to this Act shall have effect for making amendments and modifications to the enactments relating to water and sewerage.

(11) In this section—

“sewerage functions” means functions under any of the enactments mentioned in subsection (2) above; and

..... <sup>F301</sup>

**Textual Amendments**

**F299** Words substituted by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 133, 135, [Sch. 6 para. 14](#)

**F300** Ss. 177(1)(b), 181(3)–(8) repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

**F301** Definition repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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

**C381** The text of ss. 181(10), 186(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M61** 1936 c. 49.

**M62** 1944 c. 26.

**M63** 1953 c. 26.

**M64** 1945 c. 42.

**M65** 1948 c. 22.

**M66** 1958 c. 67.

**M67** 1936 c. 49.

**M68** 1937 c. 40.

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- M69 1944 c. 26.
- M70 1953 c. 26.
- M71 1961 c. 64.
- M72 1936 c. 49.

## 182 Town and Country Planning. **E+W**

F302(1) .....

F303(2) .....

(3) In that Schedule—

F303(a) .....

(b) Part II shall have effect with respect to the exercise by such authorities of functions under other enactments relating to town and country planning and for making minor amendments and modifications of such other enactments; and

F303(c) .....

F303(4) .....

### Textual Amendments

**F302** S. 182(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

**F303** S. 182(2)(3)(a)(c)(4)–(6) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1,2), s. 3, Sch.1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

## F304 183 ..... **E+W**

### Textual Amendments

**F304** S. 183 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1,2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

## 184 National Park and countryside functions. **E+W**

(1) The functions conferred on a local planning authority by or under the National Parks and Access to the <sup>M73</sup>Countryside Act 1949 and the <sup>M74</sup>Countryside Act 1968 shall, as respects England elsewhere than [<sup>F305</sup>in the metropolitan counties,] Greater London and the Isles of Scilly and as respects Wales, be exercisable in accordance with the following provisions of this section.

(2) The following of the said functions, that is to say those conferred by—

(a) Part II and sections 61, 62, 63, 78, 90(5), 92 (so far as relating to parking places in a National Park), 99(3) and 101(3) of the said Act of 1949; and

(b) sections 12(5), 13 and 14 of the said Act of 1968;

shall, subject to subsection (3) below and Schedule 17 to this Act, be functions of the county planning authority.

*Status:* Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* Local Government Act 1972 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The functions of a local planning authority under sections 9 and 11 of the said Act of 1949 shall as respects any area outside a National Park be exercisable both by county planning authorities and district planning authorities.
- (4) All other functions conferred by or under any other provision of the said Acts of 1949 and 1968 on a local planning authority shall, subject to Schedule 17 of this Act, be exercisable both by county planning authorities and district planning authorities.
- (5) References in the said Acts of 1949 and 1968 to a local planning authority shall be construed accordingly.
- (6) Part I of Schedule 17 to this Act shall have effect instead of section 8 of the said Act of 1949 (which, as amended by Schedule 4 to the said Act of 1968, provides for the administration of local authorities’ planning and countryside functions in National Parks).
- (7) Sections 27 to 38 of the said Act of 1949 and Parts II to IV of Schedule 3 to the said Act of 1968 (survey of public paths, etc.) shall have effect subject to the modifications specified in Part II of the said Schedule 17 and those Acts shall have effect subject to the further modifications specified in Part III of that Schedule.
- (8) In that Schedule “the 1949 Act” and “the 1968 Act” mean the said Acts of 1949 and 1968 respectively.

**Textual Amendments**

**F305** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1**, 7 Sch. 3 para. 3(2)

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

**C382** [S. 184](#) excluded (19.9.1995) by [1995 c. 25, ss. 68\(1\), 125\(2\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

**Marginal Citations**

**M73** [1949 c. 97](#).

**M74** [1968 c. 41](#).

**185 Town development. E+W**

(1) In the <sup>M75</sup>Town Development Act 1952 (in this section referred to as “the principal Act”) in section 1(1) (which defines the term “town development” as applying to development in a county district, the provision of which will relieve congestion or over-population elsewhere) for the word “elsewhere” there shall be substituted the words “ outside the county comprising the district or districts in which the development is carried out ”.

<sup>F306</sup>(2) .....

- (4) The principal Act shall have effect subject to the amendments specified in Schedule 18 to this Act, being—
  - (a) amendments consequential on this Part of this Act, and
  - (b) amendments incorporating provisions of section 34 of the <sup>M76</sup>Housing Act 1961 and subsections (1) and (2) of section 61 of the <sup>M77</sup>London Government Act 1963 (modification of principal Act in relation to counties and to Greater London).



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- (5) Notwithstanding anything in subsection (1) above, any development carried out after the date on which that subsection comes into force as part of a scheme begun before that date, being a scheme of town development within the meaning of the principal Act as then in force, shall be treated as town development for the purposes of that Act.

#### Textual Amendments

**F306** S. 185(2)(3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XIV](#)

#### Marginal Citations

**M75** 1952 c. 54.

**M76** 1961 c. 65.

**M77** 1963 c. 33.

### 186 Traffic and transportation functions. **E+W**

- (1) . . . <sup>F307</sup> the <sup>M78</sup>Road Traffic Regulation Act 1967 shall have effect subject to the amendments specified in Part II of that Schedule, being—
- (a) amendments conferring on the councils of counties, and in certain cases also on the councils of districts, functions previously exercised outside Greater London by the councils of county boroughs (together with other local authorities),
  - (b) amendments extending the powers of parish and community councils in relation to parking places so as to empower them to provide, maintain, and regulate the use of off-street parking places for all classes of vehicles, as well as parking places for bicycles and motor cycles, and
  - (c) minor amendments and other amendments consequential on the establishment of new local authorities by or under this Act and on the provisions of this Act relating to highways.
- (2) . . . . . <sup>F308</sup>
- (3) . . . . . <sup>F309</sup>
- (4) In section 2(5) of the <sup>M79</sup> Vehicle and Driving Licences Act 1969 (certain local authorities enabled to exercise, on behalf of the Secretary of State, functions transferred to him under that Act) after the word “authority”, in the first two places where it occurs, there shall be inserted the words “or district council”.
- (5) . . . . . <sup>F310</sup>
- (6) So much of section 6 of the <sup>M80</sup>Transport Charges &c. (Miscellaneous Provisions) Act 1954 as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking shall cease to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in subsection (1)(c) of that section—
- (a) may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate; and
  - (b) may, if they think fit, determine that any such charges shall no longer be made;

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and so much of section 1(2) of the <sup>M81</sup>Ferries (Acquisition by Local Authorities) Act 1919 as requires the approval of the Secretary of State to any scale of tolls fixed by a local authority or to a determination by a local authority to free a ferry from tolls shall cease to have effect.

(7) In subsection (6) above, “local authority” includes any existing county borough or county district council and the Common Council.

**Textual Amendments**

**F307** Words repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#) ss. 3(1)(2), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2

**F308** [S. 186\(2\)](#) repealed by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3, SIF 100:3\)](#), s. 12, **Sch. 2**

**F309** [S. 186\(3\)](#) repealed by [Transport Act 1980 \(c. 34, SIF 107:1\)](#), s. 69, **Sch. 9 Pt. I**

**F310** [S. 186\(5\)](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

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

**C383** The text of ss. 181(10), 186(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M78** [1967 c. 76](#).

**M79** [1969 c. 27](#).

**M80** [1954 c. 64](#).

**M81** [1919 c. 75](#).

**187 Local highway authorities and maintenance powers of district councils. E+W**

(1) ..... <sup>F311</sup>

(3) With respect to footpaths and bridleways within their area a district council shall have—

(a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the <sup>M82</sup>Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and

(b) ..... <sup>F311</sup>

(4) ..... <sup>F311</sup>

**Textual Amendments**

**F311** [S. 187\(1\)\(2\)\(3\)\(b\)\(4\)–\(8\)](#) repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), **Sch. 25**

**Marginal Citations**

**M82** [1949 c. 97](#).

<sup>F312</sup>**188** ..... E+W

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### Textual Amendments

**F312** S. 188 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

## 189 Commons. **E+W**

(1) Without prejudice to the making of any new agreement under section 2(2) of the <sup>M83</sup>Commons Registration Act 1965 (agreement for one local authority to be registration authority for land which spans the boundaries of two or more authorities) any agreement under that section which is in force immediately before 1st April 1974 shall cease to have effect on that day.

(2) For subsection (5) of section 8 of the Commons Registration Act 1965 (council in which unclaimed land is to be vested) there shall be substituted the following subsections:—

“(5) Subject to subsection (6) of this section, the local authority in which any land is to be vested under this section is—

- (a) if the land is in a parish or community where there is a parish or community council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act are, in accordance with arrangements under Part VI of the Local Government Act 1972, being exercised by the parish or community council;
- (b) if the land is in a London borough, the council of that borough; and
- (c) in any other case, the council of the district in which, the land is situated.

(6) Where—

- (a) any land has been vested in a district council in accordance with subsection (5)(c) of this section, and
- (b) after the land has been so vested a parish or community council comes into being for the parish or community in which the land is situated (whether by the establishment of a new council or by adding that parish or community to a group of parishes or communities for which a council has already been established),

then, if the circumstances are such that, had the direction under subsection (3) of this section been given at a time after the parish or community council had come into being, the land would in accordance with subsection (5)(a) of this section have been vested in the parish or community council, the district council shall, if requested to do so by the parish or community council, direct the registration authority to register the parish or community council, in place of the district council, as the owner of the land; and the registration authority shall comply with any such direction.

(7) The council of any district, parish or community affected by any registration made in pursuance of subsection (6) above shall pay to the other of those councils so affected such sum, if any, as may be agreed between them to be appropriate to take account of any sums received or to be received, or any expenditure incurred or to be incurred, in respect of the land concerned, and,

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in default of agreement, the question of what sum, if any, is appropriate for that purpose shall be determined by arbitration.”

- (3) The references in section 12 of the <sup>M84</sup>Inclosure Act 1857 (prevention of nuisances in town and village greens, etc.) to a churchwarden or overseer of the parish in which the town or village green or land is situated shall be construed—
  - (a) with respect to a green or land in a parish, as references to the parish council, or, where there is no parish council, the parish meeting;
  - (b) with respect to a green or land in a community where there is a community council, as references to the community council;
  - (c) with respect to any other green or land, as references to the council of the district in which the green or land is situated;

and where those references fall to be construed in accordance with paragraph (c) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district.

- (4) In section 193(1) of the <sup>M85</sup> Law of Property Act 1925 (right of the public over certain commons, including those situated within a borough or urban district) after the words “situated within” there shall be inserted the words “an area which immediately before 1st April 1974 was”.

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

**C384** The text of s. 189(2)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M83** 1965 c. 64.

**M84** 1857 c. 31.

**M85** 1925 c 20.

**190 Sites for gipsy encampments. E+W**

- (1) In section 6 of the <sup>M86</sup> Caravan Sites Act 1968 in subsection (1) (duty of local authorities to provide sites for gipsies) the words “county borough” shall be omitted and in subsection (2) of that section (modifications in relation to county boroughs and London boroughs), for the words “county borough” in the first place where they occur, there shall be substituted the words “metropolitan county” and after the words “at a time” there shall be inserted the words “in each district in the county or, as the case may be, in the London borough”<sup>F313</sup> . . .

<sup>F314</sup>(2) . . . . .

- (4) On an application made before 1st April 1974 by the council of an existing county or county borough, the Secretary of State may, by an order made under and in accordance with section 12 of the <sup>M87</sup>Caravan Sites Act 1968, designate as an area to which section 10 of that Act applies so much of a new county as comprises the whole or any part of the existing county or county borough.

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### Textual Amendments

**F313** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34](#)

**F314** [S. 190\(2\)\(3\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)

### Modifications etc. (not altering text)

**C385** The text of s. 190(1) 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

**M86** [1968 c. 52.](#)

**M87** [1968 c. 52.](#)

## 191 Ordnance survey. **E+W**

- (1) In its application outside Greater London, the <sup>M88</sup>Ordnance Survey Act 1841 (in this section referred to as “the 1841 Act”) shall have effect subject to the following modifications.
- (2) An application under section 1 of the 1841 Act shall be sent to the proper officer of either a county council or a district council and, where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the council to whose proper officer the application was sent.
- (3) The newspapers in which copies of an application under section 1 of the 1841 Act are to be inserted shall be those circulating in the area of the council to whose proper officer the application was sent.
- (4) References, in whatever terms, in the 1841 Act—
  - (a) to the justices by whom a person is appointed under section 1 of that Act shall be construed as references to the county council or the district council, as the case may require, and
  - (b) to the clerk of the peace for a county shall be construed as references to the proper officer of the county council or the district council as the case may require.
- (5) Without prejudice to section 15 of the 1841 Act (which among other things extends the meaning of the word “county” in that Act) references in that Act to a county include references to any local government area within the meaning of this Act.

### Marginal Citations

**M88** [1841 c. 30.](#)

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### *Education, social and welfare services*

#### **192 Education. E+W**

- (1) The local education authority for each non-metropolitan county shall be the council of the county and the local education authority for each metropolitan district shall be the council of the district.
- (2) No scheme of divisional administration shall be made under Part III of Schedule I to the <sup>M89</sup> Education Act 1944 and that Part of that Schedule shall cease to have effect.
- (3) Section 52 of the <sup>M90</sup> Local Government Act 1958 shall cease to have effect on the passing of this Act.
- (4) For the definition of “minor authority” in section 114(1) of the Education Act 1944 there shall be substituted the following definition:—

““minor authority” means, in relation to a school maintained by a local education authority,—

- (a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or community council or, in the case of a parish which has no council, the parish meeting;
- (b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;
- (c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a Parish and is not situated in a metropolitan county—
  - (i) the parish or community council or councils, if any ;
  - (ii) in the case of a parish which has no council the parish meeting;
  - (iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned ;

acting jointly.”

- (5) Subject to subsection (6) below any instrument made by an existing local education authority for an area outside Greater London in connection with the discharge of any of their functions, and any other thing done by or to or in relation to such an authority in connection therewith, shall be treated as having been made by, or done by or to or in relation to, the new local education authority to whom those functions are transferred by or by virtue of this Act, and any instrument relating to the exercise of those functions, or to things done in their exercise or property held or maintained for the purposes of those functions shall, so far as it so relates, have effect as if any reference to a specified existing local education authority for an area outside Greater London by whom those functions were exercisable or to the area of such an authority were a reference to the new local education authority to whom those functions are so transferred or to so much of the area of the new authority as includes the area of the existing authority, as the case may be.
- (6) Subsection (5) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary

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so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

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

**C386** The text of s. 192(2)–(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M89** 1944 c. 31.

**M90** 1958 c. 55.

<sup>F315</sup>193, ..... **E+W**  
194.

**Textual Amendments**

**F315** Ss. 193, 194 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 67, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. 1**

**195 Social services functions. E+W**

- (1) Outside Greater London, the local authorities for the purposes of the <sup>M91</sup>Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “non-metropolitan counties, metropolitan districts”.
- (2) In a non-metropolitan county each district council and the county council shall from time to time consult together with respect to the nature and extent of the accommodation needed for people who by reason of infirmity or disability (whether arising from age or otherwise) are in need of accommodation of a special character.
- (3) The following proposals and schemes, so far as in force immediately before 1st April 1974, that is to say,—
  - (a) proposals approved under section 20 of the <sup>M92</sup>National Health Service Act 1946 relating to the duties of local health authorities under section 22 of that Act (care of mothers and young children) or under section 12 of the <sup>M93</sup>Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and
  - (b) schemes approved under section 34 of the <sup>M94</sup>National Assistance Act 1948 (relating to the provision of accommodation, the welfare of handicapped persons and the employment of disabled persons),shall cease to have effect; and the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act may, with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for carrying out the functions to which those proposals and schemes formerly related.

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- (4) Any delegation scheme under section 46 of the <sup>M95</sup>Local Government Act 1958 (relating to health and welfare functions) which is in force immediately before 1st April 1974 shall cease to have effect.
- (5) Any scheme or regional plan made by a children’s regional planning committee under the <sup>M96</sup>Children and Young Persons Act 1969 and in force immediately before 1st April 1974 shall, subject to the provisions of that Act, continue in force with such modifications as may be necessary to take account of the replacement of the existing local authorities by the new authorities.
- (6) The enactments specified in Schedule 23 to this Act, being enactments conferring social services functions on local authorities in varying capacities, shall have effect subject to the amendments specified in that Schedule, being amendments designed—
- (a) to vest those functions in the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act; and
  - (b) to give effect to subsection (3) above, as it affects those authorities.
- [<sup>F316</sup>(7) In section 64(1) of the National Assistance Act <sup>M97</sup>1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after word “district”, there shall be inserted the words “or London borough or the Common Council of the City of London”.]

#### Textual Amendments

**F316** S. 195(7) added (*retrospectively*) by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), s. 23

#### Marginal Citations

**M91** 1970 c. 42.  
**M92** 1946 c. 81.  
**M93** 1968 c. 46.  
**M94** 1948 c. 29.  
**M95** 1958 c. 55.  
**M96** 1969 c. 54.  
**M97** 1948 c.29(81:3).

### Miscellaneous functions

#### 196 Police. **E+W**

- (1) The <sup>M98</sup>Police Act 1964 shall be amended in accordance with the following provisions of this section.
- (2) For section 2(6) of that Act there shall be substituted the following subsection:—
- “(6) Section 102(5) of the Local Government Act 1972 shall apply to a committee appointed under this section as it applies to a committee appointed under that section.”
- (3) In subsection (3) of section 8 of the said Act of 1964 (audit of accounts of police authorities) for the words from “and the accounts” to the end of the subsection there shall be substituted the words “shall be treated for the purposes of Part VIII of the



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Local Government Act 1972 as though it were included among the accounts of the council of that county, and the accounts of every combined police authority shall be audited in such manner as may be prescribed by the amalgamation scheme, and for that purpose an amalgamation scheme may apply, in relation to the accounts of the combined police authority, all or any of the provisions of the said Part VIII relating to accounts and audit, subject to such adaptations and modifications as may be prescribed by the amalgamation scheme.”

(4) Section 9 of the said Act of 1964 (acquisition of land for police purposes) shall be amended as follows:—

- (a) in subsection (1), for the words from “section 176” onwards there shall be substituted the words “subsections (3) and (4) of section 120 of the Local Government Act 1972 shall apply to the acquisition of land under this subsection as they apply to the acquisition of land under that section”;
- (b) at the end of subsection (2) there shall be added the words “and subsection (3) of section 121 of the Local Government Act 1972 shall apply in relation to a proposal to acquire any land in exercise of the power conferred by this subsection as it applies in relation to a proposal to acquire land in exercise of the power conferred by subsection (1) of that section”.

(5) For section 19(3) of the said Act of 1964 (powers of special constables outside their area) there shall be substituted the following subsection:—

- “(3) Without prejudice to subsection (2) above, a special constable appointed for any police area shall have all the powers and privileges of a constable—
- (a) in the case of a police area other than the City of London, in any other police area which is contiguous to his own police area;
  - (b) in the case of the City of London, in the metropolitan police district and in any area which is contiguous to that district.”

(6) For section 23(1) of the said Act of 1964 there shall be substituted the following subsections—

- “(1) An amalgamation scheme may be approved or made under this Act—
- (a) with respect to two or more counties established by the Local Government Act 1972;
  - (b) with respect to two or more counties proposed to be constituted, or the areas of which are proposed to be altered, by an order under Part IV of the Local Government Act 1972;

and subject to subsection (1A) below may be so approved or made before the relevant date.

(1A) A scheme under this section shall not come into force before the relevant date, except so far as it relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on that date.

(1B) In subsections (1) and (1A) above “the relevant date” means in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of the said subsection (1), 1st April 1974, and in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of that subsection, the date on which the order mentioned in that paragraph comes into force.”

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<sup>F317</sup>(8) .....

(9) Schedule 3 to the said Act of 1964 (procedure for compulsory amalgamation schemes) shall not apply to an amalgamation scheme made by the Secretary of State under section 21(2) of that Act before 1st April 1974.

**Textual Amendments**

**F317** S. 196(7)(8) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt. II**; S.I. 1992/2371, **art. 2**

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

**C387** The text of s. 196(2)-(6) is in the form in which it was originally enacted: it was not reproduced in statutes in force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M98** 1964 c. 48.

**197 Fire services. E+W**

<sup>X1</sup>(1) The proviso to section 6(1) of the <sup>M99</sup> Fire Services Act 1947 (obligation of Secretary of State to obtain consent of county council to a combination scheme made by him where population of the county exceeds 100,000) shall cease to have effect.

(2) A combination scheme may be made under section 5 of the said Act of 1947 before 1st April 1974 with respect to two or more new counties, but except so far as it relates to the constitution of an authority as the fire authority for the combined area and to the performance by that authority of their functions under subsection (3) below or any functions necessary for bringing the scheme into full operation on that date, the scheme shall not come into force before that date.

(3) Not later than the 1st January 1974 every council of a new county or every new fire authority established for a combined area by any such scheme which will not come into full operation until 1st April 1974 shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for the county or combined area under section 19 of the said Act of 1947 to come into force on 1st April 1974, and the Secretary of State shall, not later than 15th March 1974, approve that scheme either as submitted or subject to such modifications as he may direct.

<sup>F318</sup>(4) .....

<sup>X1</sup>(5) In section 10 of the <sup>M100</sup> Fire Services Act 1947, as amended by Schedule 8 to the <sup>M101</sup> Local Government Act 1958 (power to make schemes in advance of alterations of local government areas) for the words from the beginning to “combined authorities” there shall be substituted the words “ If an order is made under Part IV of the Local Government Act 1972 constituting any area as a new county or altering the area of a county <sup>F319</sup> . . .

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**Changes to legislation:** Local Government Act 1972 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Editorial Information

- X1** The text of s. 197(1)(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F318** S. 197(4) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, **Sch. 6 Pt. IV**  
**F319** Words in s. 197(5) repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), **Sch. 4 Pt. II**; [S.I. 1992/2371](#), **art.2**

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

- C388** “the said Act of 1947” means [Fire Services Act 1947 \(c. 41\)](#)

#### Marginal Citations

- M99** 1947 c. 41.  
**M100** 1974 c. 41.  
**M101** 1958 c. 55.

<sup>F320</sup>198, ..... **E+W**  
199.

#### Textual Amendments

- F320** Ss. 198, 199 repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), ss. 134, 136, **Sch. 11**

### 200 **Power to confer on district councils in Wales certain functions relating to agriculture.** **E+W**

- (1) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order conferring on the council of a district in Wales, with respect to the district, the functions which, apart from the order, would be exercisable by the county council under sections 4 and 5 of the <sup>M102</sup>Agricultural Produce (Grading and Marking) Act 1928 (cold and chemical storage of eggs in registered premises).
- (2) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 67 of the <sup>M103</sup>Agriculture Act 1970 (enforcement of provisions of that Act relating to fertilisers and feeding stuffs).
- (3) The Minister of Agriculture, Fisheries and Food may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 108(8) of the <sup>M104</sup>Medicines Act 1968 (enforcement of certain provisions made by or under that Act).
- (4) If and so long as an order under subsection (1), subsection (2) or subsection (3) above confers any functions or imposes any duty on a district council in Wales, references in the enactment or enactments to which the order relates—
  - (a) to the county council shall be construed as including references to that district council, and

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- (b) to the area of the county (however expressed) shall be construed, in relation to the council of the county in which the district is situated, as references to the area of the county exclusive of that district.
- (5) The power to make an order—
  - (a) under subsection (1) above conferring functions on a district council in Wales, or
  - (b) under subsection (2) or subsection (3) above imposing a duty on a district council in Wales,
 shall cease to be exercisable on 1st April 1974, but an order made under any of those subsections may be revoked at any time after that date, by a further order made under the same subsection.
- (6) A statutory instrument containing an order under subsection (1), subsection (2) or subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Notwithstanding anything in section 5 of the <sup>M105</sup>Agricultural Produce (Grading and Marking) Act 1928, in respect of any period during which, by virtue of an order under subsection (1) above, functions under sections 4 and 5 of that Act are conferred on the council of a district in Wales, any expenses incurred under that Act by the council of the county in which that district is situated shall be treated as special expenses chargeable only on the remainder of the county.
- (8) In any case where, by virtue of an order under subsection (1), subsection (2) or subsection (3) above revoking a previous order under that subsection, functions conferred or a duty imposed by that previous order on a district council in Wales cease to be so conferred or imposed, anything done before the date on which the order takes effect by, to or before the district council shall have effect for the purposes of the enactment or enactments to which the order relates as if done by, to or before the county council by whom those functions become exercisable on that date or, as the case may be, on whom that duty is imposed on that date; and any proceedings under that enactment or those enactments which on that date were pending by or against the district council may be continued accordingly by or against the county council.

**Marginal Citations**

- M102 1928 c. 19.
- M103 1970 c. 40.
- M104 1968 c. 67.
- M105 1928 c. 19.

F321 **201** ..... **E+W**

**Textual Amendments**

- F321 S. 201 repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), ss. 95, 98, [Sch. 10 para. 1\(j\)](#), Sch. 13

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## 202 Public transport in passenger transport areas. **E+W**

- <sup>F322</sup>(1) .....
- (2) <sup>F323</sup> . . ., Part II of the <sup>M106</sup>Transport Act 1968 shall have effect in its application to England and Wales subject to the amendments specified in Part I of Schedule 24 to this Act, being amendments—
- (a) to assimilate in certain respects the provisions of the said Part II to those of Part II of the <sup>M107</sup>Transport (London) Act 1969;
  - (b) to make further provision with respect to the control of a Passenger Transport Executive by the Passenger Transport Authority; and
  - (c) to remove, or to transfer to the Passenger Transport Authority, certain functions originally conferred on the Secretary of State.
- (3) <sup>F324</sup> .....
- <sup>F325</sup>(4) .....
- (8) Expressions used in this section have the same meanings as in the <sup>M108</sup>Transport Act 1968.

### Textual Amendments

**F322** S. 202(1) repealed (6.1.1986) by Transport Act 1985 (c. 67, SIF 126), ss. 57(6), 139(3), Sch. 3 para. 24, **Sch. 8**; S.I. 1985/1887, art. 3(1), **Sch.**, Appendix

**F323** Words repealed (1.4.1986) by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**; S.I. 1986/414, art. 2, **Sch.**, Appendix

**F324** S. 202(3) repealed (1.4.1986) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), Sch. 3 para 24, **Sch. 8**; S.I. 1986/414, art. 2, **Sch.**, Appendix

**F325** S. 202(4)-(7) repealed (6.1.1986) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), Sch. 3 para 24, **Sch. 8**; S.I. 1985/1887, art. 3(1), **Sch.**, Appendix

### Marginal Citations

**M106** 1968 c. 73.

**M107** 1969 c. 35.

**M108** 1968 c. 73.

## <sup>F326</sup>203 ..... **E+W**

### Textual Amendments

**F326** S. 203 repealed by Transport Act 1978 (c. 55, SIF 126), s. 24(4), **Sch. 4**

## 204 Licensing: licensed premises, cinemas, theatres and refreshment houses. **E+W**

- (1) The districts in Wales shall be the areas for which polls under section 66 of the <sup>M109</sup>Licensing Act 1964 (Sunday closing in Wales) may be held, but in relation to each such district, until such a poll is held and the decision on the poll takes effect in the district in accordance with section 67(4) of that Act, the areas in which subsection (1) of the said section 66 does or does not have effect shall be the same on and after 1st April 1974 as before that date.

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- (2) Any reference in Part VII of the <sup>M110</sup>Licensing Act 1964 (licensing planning areas) to a local planning authority shall be construed as a reference to a district planning authority only.
- (3) In the case of premises situated outside Greater London, notice of an application for a justices' licence under Schedule 2 to the <sup>M111</sup>Licensing Act 1964 shall be given to the proper officer of the district council instead of to the clerk to the rating authority.
- (4) In consequence of the preceding provisions of this section and of section 217 below, the <sup>M112</sup>Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.
- (5) ..... <sup>F327</sup>
- (6) In section 18(1) of the <sup>M113</sup>Theatres Act 1968, in the definition of “licensing authority”, for paragraph (b) there shall be substituted the following paragraph:—  
 “(b) as respect premises in a district in England or Wales, the council of that district;”  
 ..... <sup>F328</sup>
- (7) ..... <sup>F329</sup>
- (8) The provisions of Part II of Schedule 25 to this Act shall have effect for the purpose of conferring a right of appeal with respect to licences under the <sup>M114</sup>Home Counties (Music and Dancing) Licensing Act 1926; and any reference in that Part of that Schedule—  
 (a) to the 1926 act is a reference to the said Act of 1926, or  
 (b) to a licence is a reference to a licence under section 3 of the 1926 Act.
- (9) In section 2(2) of the <sup>M115</sup> Late Night Refreshment Houses Act 1969 (licensing authorities under that Act) for the words “county and county borough councils” there shall be substituted the words “district councils”.

#### Textual Amendments

**F327** S. 204(5) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), **Sch. 3**

**F328** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7 Pt. IV**

**F329** S. 204(7) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7 Pt. I**

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

**C389** The text of s. 204(9), 208(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M109** 1964 c. 26.

**M110** 1964 c. 26.

**M111** 1964 c. 26.

**M112** 1964 c. 26.

**M113** 1968 c. 54.

**M114** 1926 c. 31.

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M115 1969 c. 53.

F330 205 ..... E+W

#### Textual Amendments

F330 S. 205 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155, Sch. 25 (subject to the savings and transitional provisions in Sch. 24)

### 206 Public libraries and museums (England). E+W

The local authorities for the purposes of the <sup>M116</sup>Public Libraries and Museums Act 1964 in England shall be county councils, <sup>F331</sup> . . . , London borough councils, district councils, the Common Council and the Council of the Isles of Scilly and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a non-metropolitan county;
- (b) the council of a London borough and the Common Council;
- (c) the council of a metropolitan district;

shall be a library authority for those purposes.

#### Textual Amendments

F331 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

#### Marginal Citations

M116 1964 c. 75.

### 207 Public libraries and museums (Wales). E+W

(1) The local authorities for the purposes of the <sup>M117</sup>Public Libraries and Museums Act 1964 in Wales shall be county councils and district councils and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

- (a) the council of a county;
- (b) the council of a district who have been constituted a library authority under the following provisions of this section;

shall be a library authority for those purposes.

(2) The council of a district in Wales may at any time before 1st April 1974 apply to the Secretary of State for an order constituting the council a library authority and the Secretary of State may, if he thinks it expedient to do so having regard to—

- (a) the capacity of the council to provide an efficient library service for their district; and
- (b) the effect which the order would have on the library service which is to be provided by the council of the new county comprising that district;

and after consulting the council of the new county, make an order constituting the district council a library authority as from a date, not earlier than 1st April 1974, specified in the order.

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- (3) While the Secretary of State is considering an application by the council of a district for an order under subsection (2) above, he may make an order constituting that council a library authority for a period beginning with 1st April 1974 and ending on a date specified by the Secretary of State on deciding to make or not to make the order applied for.
- (4) A council of a district in Wales which is not a library authority may within the period of six months beginning with any review date apply to the Secretary of State for an order constituting the council a library authority and if, after consulting the authority which is then the library authority for that district and after taking account of any likely changes in the area and population of that district and of any other matters appearing to him to be relevant, the Secretary of State is of the opinion that the order would lead to an improvement in the library facilities in that district and would not prejudicially affect the library facilities in the county or the area of the joint board, as the case may be, he may make an order constituting the council a library authority as from a date specified in the order.
- (5) Where during the said period of six months the Secretary of State is satisfied, after consulting the council of a district which is a library authority and such other library authorities as appear to him to be concerned, that if the council of the district ceased to be a library authority, that would lead to an improvement in the library facilities in that district or in the county or area of the joint board, as the case may be, he may by order provide that as from a date specified in the order the council of that district shall cease to be a library authority.
- (6) An order under this section constituting a district council a library authority may impose on the district council such conditions as the Secretary of State thinks fit for securing the performance by them of their functions under the <sup>M118</sup>Public Libraries and Museums Act 1964.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “review date” means 1st April in 1984 and every tenth year thereafter.

#### Marginal Citations

M117 1964 c. 75.

M118 1964 c. 75.

## 208 Amendments of Public Libraries and Museums Act 1964. **E+W**

- (1) It shall not be necessary for any local authority within the meaning of the <sup>M119</sup>Public Libraries and Museums Act 1964 to obtain the consent of the Secretary of State to the provision of a museum or art gallery under section 12(1) of that Act or to the transfer of a museum or art gallery and its collections under section 12(2) of that Act, or to apply for an order under section 15(2) of that Act for the purpose of amalgamating a fund established under that section with a similar fund maintained under a local Act, and accordingly in the said section 15(2) for the words after “aforesaid” there shall be substituted the words “ it may amalgamate the funds, but without prejudice to the effect of any condition attached to any particular gift received by the authority ”.



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- (2) The powers conferred by section 14 of the said Act of 1964 (contributions to expenses of museums and art galleries) on certain local authorities shall be exercisable by every local authority within the meaning of that Act, whether or not a library authority or maintaining a museum or art gallery.
- <sup>x2</sup>(3) The following additional amendments shall be made in the said Act of 1964—
- (a) in section 4(2)(a), after the word “council” there shall be inserted the words “ in Wales ”;
  - (b) in sections 5(3), 6(5) and (6), 10(2), 11(2) and 21, for the words “non-county borough or urban district”, wherever occurring, there shall be substituted the words “ district in Wales ”;
  - (c) in the proviso to section 5(3), for the words from “at the request” to “40,000” there shall be substituted the words “ if the Secretary of State thinks fit ”;
  - (d) in section 6(6), after the word “above” there shall be inserted the words “ or under section 207 of the Local Government Act 1972 ”;
  - (e) in section 6(7), for the words from the beginning to “above he” there shall be substituted the words “ Where the council of a district in Wales are constituted a library authority under section 207 of the Local Government Act 1972, the Secretary of State ”, and for the words “approved council” there shall be substituted the words “ council so constituted ”;
  - (f) in section 11(2), the reference to section 60(2) of the <sup>M120</sup> Local Government Act 1958 shall be construed as a reference to section 255 below ;
  - (g) in section 15(1), after the word “maintaining” there shall be inserted the words “ or proposing to provide ” and for the words from “for the time being” onwards there shall be substituted the words “ which the authority maintains or proposes to provide under that section ” ;
  - (h) in section 16, for the words “local authority” there shall be substituted the words “ library authority ”;
  - (i) in section 21, in subsections (1) and (3) after the words “county council” there shall be inserted the words “ in Wales ” and in subsection (1) the words from “and expenses” onwards shall cease to have effect;
  - (j) in section 24(1), for the words “this Act” there shall be substituted the words “ the provisions of this Act relating to libraries ” and for the word “county” there shall be substituted the words “ non-metropolitan county ”;
  - (k) in Schedule 2, in paragraph 2(1), the words from “but except” onwards shall cease to have effect.

#### Editorial Information

**X2** The text of s. 204(9), 208(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M119** 1964 c. 75.

**M120** 1958 c. 55.

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### Textual Amendments

**F332** S. 209 repealed by [Employment and Training Act 1973 \(c. 50\)](#), [Sch. 4](#)

## 210 Charities. **E+W**

- (1) Where, immediately before 1st April 1974, any property is held, as sole trustee, exclusively for charitable purposes by an existing local authority for an area outside Greater London, other than the parish council, parish meeting or representative body of an existing rural parish in England (but including the corporation of a borough included in a rural district), that property shall vest (on the same trusts) in a new local authority in accordance with subsections (2) to (5) below.
- (2) Subject to subsection (3) below, where the property is held by one of the existing authorities specified below, and is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority specified below, the area of which comprises the whole or the greater part of that specified area, and where the property is so held but is not held for such a benefit, it shall vest in the new authority specified below, the area of which comprises the whole or the greater part of the area of the existing authority, that is to say—
  - (a) where the existing authority is a county council, the new authority is the council of the new county;
  - (b) where the existing authority is the council of a borough or urban district in England, the new authority is the council of the parish constituted under Part V of Schedule 1 to this Act or, where there is no such parish, the council of the district;
  - (c) where the existing authority is the council of a borough or urban district in Wales, the new authority is the council of the community or, where there is no such council, the council of the district; and
  - (d) where the existing authority is a rural district council, then, if the rural district is coextensive with a parish, the new authority is the parish council, and in any other case the new authority is the council of the district.
- (3) Where the property is held by an existing county council or county borough council for the purposes of a charity registered in the register established under section 4 of the <sup>M121</sup>Charities Act 1960 in any part of that register which is maintained by the Secretary of State by virtue of section 2 of that Act (educational charities) then—
  - (a) if the property is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority which is the local education authority for the whole or the greater part of that specified area, and
  - (b) in any other case, the property shall vest in the new authority which is the local education authority for the whole or the greater part of the area of the existing county council or county borough council by which the property is held.
- (4) Where the property is held by the corporation of a borough included in a rural district, it shall vest in the parish council for the parish consisting of the area of the existing borough.
- (5) Where the property is held by the parish council, parish meeting or representative body of an existing rural parish in Wales, then—

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- (a) in the case of property held by an existing parish council, the property shall vest in the community council for the community or group of communities, the area or areas of which are co-extensive with the area of the parish or parishes for which the existing parish council act;
  - (b) in the case of property held by the parish meeting or representative body of an existing parish the area of which is comprised in a community for which there is a community council, the property shall vest in that community council; and
  - (c) in any other case, the property shall vest in the council of the district which comprises the area of the existing rural parish.
- (6) Where, immediately before 1st April 1974, any power with respect to a charity, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, any existing local authority to which subsection (1) above applies, that power shall vest in, or in the holder of the corresponding office connected with, or (if there is no such office) the proper office of, the corresponding new authority, that is to say, the new authority in which, had the property of the charity been vested in the existing local authority, that property would have been vested under subsections (1) to (5) above.
- (7) References in subsection (6) above to a power with respect to a charity do not include references to a power of any person by virtue of being a charity trustee thereof; but where under the trusts of any charity, not being a charity incorporated under the Companies Acts or by charter, the charity trustees immediately before 1st April 1974 include either an existing local authority to which subsection (1) above applies or the holder of an office connected with such an existing local authority, those trustees shall instead include the corresponding new authority as defined in subsection (6) above or, as the case may require, the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, that authority.
- <sup>F333</sup>(8) .....
- <sup>F334</sup>(9) .....
- (10) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity and nothing in those provisions shall apply in a case to which section 211 below applies.
- (11) In this section the expression “local authority”, in relation to a parish, includes a parish meeting and the representative body of a parish, and the expressions “charitable purposes”, “charity”, “charity trustees”, “court” and “trusts” have the same meanings as in the <sup>M122</sup>Charities Act 1960.

**Textual Amendments**

**F333** S. 210(8) repealed (1.9.1992) by Charities Act 1992 (c. 41), s. 78(2), Sch. 7; S.I. 1992/1900, art. 2, Sch. 1

**F334** S. 210(9) repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch. 7.

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

**C390** S. 210 excluded by National Health Service Reorganisation Act 1973 (c. 32), s. 25(4)

**Marginal Citations**

**M121** 1960 c. 58.

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M122 1960 c. 58.

**211 Welsh Church funds. E+W**

- (1) Any property which, immediately before 1st April 1974, is vested in the council of an existing county or county borough in Wales and is required to be applied in accordance with a scheme under section 19 of the <sup>M123</sup>Welsh Church Act 1914 (application of Welsh Church funds for charitable or eleemosynary purposes) shall be vested, by virtue of this Act, in the council of the new county which comprises the whole or the greater part of the area of that existing county or county borough.
- (2) Where, by virtue of subsection (1) above, property vested in the council of an existing county becomes vested in the council of a new county which does not comprise the whole of the area of the existing county, the new county council shall transfer an apportioned part of the property to each of the other new county councils whose areas include parts of the area of the existing county.
- (3) An apportionment for the purposes of subsection (2) above shall be made by agreement between the new county councils concerned, or, in default of such an agreement, shall be determined by arbitration before a single arbitrator appointed by agreement between those councils or, in default of such an agreement, appointed by the Secretary of State.
- (4) The vesting or transfer of any property by virtue of this section shall not affect the application of the property in accordance with the scheme under section 19 of the <sup>M124</sup>Welsh Church Act 1914 which is applicable to it immediately before 1st April 1974 or the amendment or revocation of any such scheme by a further scheme under that section.

**Marginal Citations**  
M123 1914 c. 91.  
M124 1914 c. 91.

<sup>F335</sup>**212** ..... **E+W**

**Textual Amendments**  
**F335** S. 212 repealed by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 19(1), **Sch. 2**

**213 Local licence duties. E+W**

- (1) The power to levy the duties on the following licences, namely—
  - (a) ..... <sup>F336</sup>
  - (c) ..... <sup>F337</sup>
  - (d) licences for dealing in game or for killing game,
shall, in England and Wales outside Greater London, be vested in the councils of districts.

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(2) In accordance with subsection (1) above, section 6 of the <sup>M125</sup> Finance Act 1908 (licences for dealing in game and killing game) shall be amended as follows:—

- (a) in subsection (1), for the words from “as from” to the end of the subsection there shall be substituted the words “in England and Wales be vested in the councils of districts” ;
- (b) in subsection (2), the words from “fix” to “transfer, and may” shall be omitted, for the words “county councils” there shall be substituted the words “district councils”, and the words from “The transfer under this section” to “any such adjustment” shall be omitted and at the end of the subsection there shall be added the words “and as if any reference in those provisions to a county council were a reference to a council having power to levy those duties after 1st April 1974”; and
- (c) for subsection (5) there shall be substituted the following subsection:—

“(5) In relation to Greater London, references in this section to a district council shall be construed as references to the council of a London borough or the Common Council of the City of London”.

(3) ..... <sup>F338</sup>

(4) In accordance with subsection (1) above, in subsection (1) of section 7 of the <sup>M126</sup> Dog Licences Act 1959 for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the Common Council of the City of London” and in subsection (2) of that section for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the City of London”.

**Textual Amendments**

- F336** S. 213(1)(a)(b) repealed by [Consumer Credit Act 1974 \(c. 39\), s. 192\(3\)\(4\)](#), [Sch. 5](#)
- F337** S. 213(c) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 41](#), [Sch. 7 Pt. IV](#)
- F338** S. 213(3) repealed by [Consumer Credit Act 1974 \(c. 39, SIF 60\), s. 192\(3\)\(b\)](#), [Sch. 5](#)

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

- C391** The text of s. 213(2)(a)–(c)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M125** 1908 c. 16.
- M126** 1959 c. 55.

**214 Cemeteries and crematoria. E+W**

(1) The following authorities, that is to say, the councils of districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act; and—

- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall cease to be exercisable; and

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- (b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the <sup>M127</sup>Burial Act 1852 or section 53(2) of the <sup>M128</sup>Local Government Act 1894 or by any local statutory provision shall cease to exist.
- (2) Burial authorities may provide and maintain cemeteries whether in or outside their area.
- (3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—
- (a) impose a fine for any contravention of the order; and
- (b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.
- (4) An order under this section may only be made after consultation with associations appearing to the Secretary of State to be representative of local authorities and with other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.
- (5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the <sup>M129</sup>Cremation Acts 1902 <sup>M130</sup> and 1952.
- (6) A burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.
- (7) Schedule 26 to this Act shall have effect with respect to the exercise of functions of burial authorities and the management of cemeteries and crematoria and for making amendments and modifications of the enactments relating to cemeteries and crematoria.
- (8) In this section and that Schedule “cemetery” includes a burial ground or any other place for the interment of the dead (including any part of any such place set aside for the interment of a dead person's ashes).

#### Marginal Citations

**M127** 1852 c. 85.

**M128** 1894 c. 73 (56 & 57 Vict.).

**M129** 1902 c. 8.

**M130** 1952 c. 31.

## 215 Maintenance of a closed churchyard. **E+W**

- (1) Subject to subsection (2) below, where outside the area subject to the <sup>M131</sup>Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.
- (2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—

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- (a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard;
- (b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting;
- (c) if the churchyard is in a community not having a separate community council, serve such a request on the council of the district in which the community is situated; or
- (d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated;

and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.

- (3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district and to the parochial church council maintaining the churchyard, the council of the district, and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.
- (4) Where before the passing of this Act a church council established under the constitution of the Church in Wales, in purported exercise of the powers conferred by section 18 of the <sup>M132</sup>Burial Act 1855 (maintenance of closed churchyard payable out of rates), issued a certificate with respect to a closed churchyard to a local authority, and that authority thereupon took over the maintenance of the churchyard, the authority's action shall be deemed to have been lawful for all purposes, and the authority for the time being responsible for the maintenance of the churchyard shall have the like duty with respect to its maintenance as a parochial church council elsewhere than the area subject to the <sup>M133</sup>Welsh Church Act 1914.
- (5) In subsection (1) above, “the area subject to the <sup>M134</sup>Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

#### Marginal Citations

**M131** 1914 c. 91.

**M132** 1855 c. 128.

**M133** 1914 c. 91.

**M134** 1914 c. 91.

## PART X **E+W**

### JUDICIAL AND RELATED MATTERS

#### 216 **Adaptation of law relating to old counties.** **E+W**

- (1) For the purposes of commissions of the peace and the law relating to justices of the peace, magistrates' courts, the *custos rotulorum*, lieutenants, sheriffs and

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matters connected with any of those matters, new counties shall, without prejudice to section 179(1) above, be substituted for counties of any other description.

- (2) For the purposes of this section and sections <sup>F339</sup> . . . , 218 and 219 below the Isles of Scilly shall be deemed to form part of the county of Cornwall.

**Textual Amendments**  
**F339** Section number repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)

**217** E+W

- <sup>F340</sup>(1) .....
- <sup>F341</sup>(4) .....
- <sup>F340</sup>(5) .....
- <sup>F341</sup>(6) .....
- <sup>F342</sup>(7) .....

**Textual Amendments**  
**F340** [S. 217\(1\)–\(3\)\(5\)](#) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)  
**F341** [S. 217\(4\)\(6\)](#) repealed by [Administration of Justice Act 1973 \(c. 15\)](#), s. 20(5), [Sch. 5 Pt. II](#)  
**F342** [S. 217\(7\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

<sup>F343</sup>**218** ..... E+W

**Textual Amendments**  
**F343** [S. 218](#) repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 10 Pt. II](#)

**219** **Sheriffs and under-sheriffs.** E+W

- (1) Sheriffs appointed for a county or Greater London shall be known as high sheriffs, and any reference in any enactment or instrument to a sheriff shall be construed accordingly in relation to sheriffs for a county or Greater London.
- (2) No persons shall be nominated in 1973 in pursuance of section 6(1) of the <sup>M135</sup>Sheriffs Act 1887 as persons fit to serve as high sheriff, but the lord-lieutenant of a new county or Greater London shall, as soon as may be after he has been appointed under section 218(1) above or has been specified in an Order in Council under section 218(4) above, nominate three persons as being fit to serve as high sheriff of that county or Greater London, as the case may be, and they shall be treated as having been nominated under the said section 6(1).
- (3) The rights of Her Majesty in right of the Duchy of Lancaster in relation to the appointment of high sheriffs shall apply throughout the whole of the counties of



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Greater Manchester, Merseyside and Lancashire; and subsection (2) above shall not apply to those counties or to the county of Cornwall.

- (4) The Lord Chancellor may by order prescribe the area for which each under-sheriff is to act.
- (5) Where the area for which an under-sheriff acts is situated in two or more counties, the duty imposed by section 23 of the <sup>M136</sup>Sheriffs Act 1887 of appointing the under-sheriff for that area shall be discharged by the high sheriff of the county containing the greater part of that area, after consulting any other high sheriff concerned, and if any question arises as to which county contains the greater part of an under-sheriff's area, it shall be determined by the Lord Chancellor.

References in this subsection to a county include references both to Greater London and to the City (including the Temples).

- (6) An under-sheriff shall as respects the area for which he acts be treated as the high sheriff's deputy for the purpose of all the high sheriff's functions, except his functions as returning officer at parliamentary elections.
- (7) No privileges or duties of a sheriff shall be exercisable under section 34 of the <sup>M137</sup>Sheriffs Act 1887 or otherwise by the bailiff of a franchise.
- (8) In this section "Greater London" does not include the City or the Temples.

#### Marginal Citations

- M135 1887 c. 55.
- M136 1887 c. 55.
- M137 1887 c. 55.

F344 220 ..... E+W

#### Textual Amendments

- F344 S. 220 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), Sch. 4

### 221 Abolition of borough civil courts. E+W

- (1) There are hereby abolished the inferior courts of record specified in Schedule 28 to this Act, being courts having a jurisdiction defined, or originally defined, by reference to a city, borough or similar area which, after 1st April 1974, no longer exists in that form as a unit of local government (whether it ceases to do so by virtue of this Act or has ceased to do so at some time before the passing of this Act).
- (2) Her Majesty may by Order in Council make such transitional and consequential provisions as appear to Her expedient in consequence of the abolition of any court by this section.

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## PART XI **E+W**

### GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

#### *Legal proceedings*

#### **222 Power of local authorities to prosecute or defend legal proceedings. **E+W****

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
- (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
  - (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) In this section “local authority” includes the Common Council.

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

**C392** S. 222 amended by S.I. 1990/1765, art. 4(3)

**C393** S. 222 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.

S. 222: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.

**C394** S. 222 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.

S. 222: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.

S. 222 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(g) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### **223 Appearance of local authorities in legal proceedings. **E+W****

- (1) Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates’ court shall be entitled to prosecute or defend or to appear in any such proceedings, and, notwithstanding anything contained in [F345 the M138 Solicitors Act 1974], to conduct any such proceedings although he is not a solicitor holding a current practising certificate.
- (2) In this section “local authority” includes the Common Council [F346, a joint authority . . . F347] and [F348 the National Rivers Authority].

#### **Textual Amendments**

**F345** Words substituted by Solicitors Act 1974 (c. 47), s. 90(2), Sch. 3 para. 9

**F346** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 21

**F347** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

**F348** Words substituted by virtue of Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 43(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

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

**C395** S. 223 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(f)

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- C396** S. 223 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.  
S. 223: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C397** S. 223 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 223: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 223 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(f)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C398** S. 223(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(m)**
- C399** S. 223(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(m)**

#### Marginal Citations

**M138** 1974 c. 47.

*Documents and notices, etc.*

## 224 Arrangements by principal councils for custody of documents. **E+W**

[<sup>F349</sup>(1)] Without prejudice to the powers of the custos rotulorum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents which belong to or are in the custody of the council or any of their officers.

[<sup>F350</sup>(2) This section applies to a joint authority . . . <sup>F351</sup> as it applies to a principal council.]

#### Textual Amendments

- F349** S. 244 renumbered as s. 244(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 22**
- F350** S. 224(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 22**
- F351** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

- C400** S. 224 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C401** S. 224 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.  
S. 224: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C402** S. 224 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.  
S. 224 : certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.  
S. 224 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 224 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**  
S. 224 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 224 extended (19.9.1995) by 1995 c. 25, ss. 63, 125(5), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C403** S. 224(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C404** S. 224(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 225 Deposit of documents with proper officer of authority, etc. **E+W**

(1) In any case in which a document of any description is deposited with the proper officer of a local authority, or with the chairman of a parish or community council or with the chairman of a parish meeting, pursuant to the standing orders of either House of

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Parliament or to any enactment or instrument, the proper officer or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or instrument, and shall make such notes or endorsements on, and give such acknowledgments and receipts in respect of, the document as may be so directed.

- (2) All documents required by any enactment or instrument to be deposited with the proper officer of a parish or community shall, in the case of a parish or community not having a separate parish or community council, be deposited in England with the chairman of the parish meeting or in Wales with the proper officer of the district council.

[<sup>F352</sup>(3) In this section “local authority” includes a joint authority . . . <sup>F353</sup>.]

#### Textual Amendments

**F352** S. 225(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 23**

**F353** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C405** S. 225 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 121(g)**

**C406** S. 225 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.

S. 225: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

**C407** S. 225 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**.

S. 225: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**

S. 225 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 225 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 225 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**

**C408** S. 225(1) extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**C409** S. 225(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C410** S. 225(3) modified by S.I. 1987/2110, **art. 2** (2), Sch. 1 para. 3(n)

## 226 Custody of parish and community documents. **E+W**

- (1) All specified papers of a parish or community shall—
- in the case of a parish which is co-extensive with an existing rural parish, remain in the same custody as before 1st April 1974; and
  - in the case of any other parish or any community, be in the custody of the body to which the documents of that area, other than documents of a specified class, are transferred on that date;

but the parish or community council or, in the case of a parish or community not having a separate parish or community council, the parish meeting in England or the district council in Wales may direct that any such papers shall be deposited in such custody as may be specified in the direction.

- (2) Nothing in this Act shall affect the custody of registers of baptisms, marriages and burials and of all other documents containing entries wholly or partly relating to the affairs of the church, as defined by the <sup>M139</sup>Local Government Act 1894, or to ecclesiastical charities, as so defined, except documents directed by law to be kept with the papers of a parish or community.

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- (3) Any person having the custody of any documents mentioned in subsection (2) above shall have reasonable access to the papers mentioned in subsection (1) above and—
- in a parish or community having a separate parish or community council, that council;
  - in any other parish, the parish meeting;
  - in any other community, the district council; and
  - in any area in England not falling within paragraph (a) or (b) above, the district council, London borough council or Common Council, as the case may be;
- shall have reasonable access to the documents mentioned in subsection (2) above.
- (4) Any difference about the custody of or access to any documents mentioned in subsection (1) or (2) above shall, if the area is in a [<sup>F354</sup>metropolitan district,] London borough or the City, be determined by the Secretary of State and in any other case by the county council.
- (5) [<sup>F355</sup>The council of every county or metropolitan district] shall from time to time enquire into the manner in which specified papers under the control of a parish or community council or parish meeting [<sup>F356</sup>in their area] are kept with a view to their proper preservation, and shall make such orders as they think necessary for their preservation, and those orders shall be complied with by the parish or community council or parish meeting.

#### Textual Amendments

**F354** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 22(2)(a)

**F355** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 22(2)(b)

**F356** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1) s. 16, Sch. 8 para. 22(2)(b)

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

**C411** S. 126 modified (07.08.1991) by S.I.1991/1773, art. 8(2), Sch.2.

S. 126: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch.2

#### Marginal Citations

**M139** 1894 c. 73 (56 & 57 Vict.).

## 227 Provision of depositories for parish and community documents. **E+W**

- (1) In the case of a parish or community having a separate parish or community council that council or, if they so request, the council of the district in which the parish or community is situated, shall provide proper depositories for all the specified papers belonging to the parish or community for which no provision is otherwise made.
- (2) In the case of a parish or community not having a separate parish or community council, the council of the district in which the parish or community is situated shall provide proper depositories for all the specified papers under the control of the parish meeting or belonging to the community but in England only with the consent of the parish meeting of the parish.

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

**C412** S. 227 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2

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S. 227: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch. 2

## 228 Inspection of documents. **E+W**

- (1) The minutes of proceedings of a [<sup>F357</sup>parish or community council] shall be open to the inspection of any local government elector for the area of the [<sup>F357</sup>the council] and any such local government elector may make a copy of or extract from the minutes.
- (2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.
- (3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.
- <sup>F358</sup>(4) .....
- (5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of 10p for every such inspection, and of the further sum of 10p for every hour during which such inspection continues after the first hour.
- (6) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except where otherwise expressly provided, without payment.
- (7) If a person having the custody of any such document—
  - (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,
  - (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,
 he shall be liable on summary conviction to a fine not exceeding [<sup>F359</sup>level 1 on the standard scale].
- <sup>F360</sup>(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority <sup>F361</sup>. . . as if that authority were a local authority and as if, <sup>F361</sup>. . . , references to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.]
- (8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a [<sup>F362</sup>parish council].
- <sup>F363</sup>(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3) (a) of the Norfolk and Suffolk Broads Act 1988.]

### Textual Amendments

**F357** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, Sch. 2 para. 6(2)(a)

**F358** S. 228(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), Sch. 6 Pt. IV

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- F359** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F360** S. 228(7A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 24**
- F361** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F362** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)(b)**
- F363** S. 228(9) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(8)**

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

- C413** S. 228 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2  
S. 228: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**
- C414** S. 228(2)(3) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(c)**
- C415** S. 228(7A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C416** S. 228(7A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

**229 Photographic copies of documents. E+W**

- (1) Subject to subsections (3) and (7) below, any requirement imposed by any enactment that a local authority or parish meeting shall keep a document of any description shall be satisfied by their keeping a photographic copy of the document.
- (2) Subject to subsection (7) below, any requirement imposed by any enactment that a document of any description in the custody or under the control of a local authority or parish meeting shall be made available for inspection shall be satisfied by their making available for inspection a photographic copy of the document.
- (3) Subsection (1) above shall not apply to any document deposited with a local authority under the <sup>M140</sup>Public Records Act 1958.
- (4) In legal proceedings a photographic copy of a document in the custody of a local authority or parish meeting, or of a document which has been destroyed while in the custody of a local authority or parish meeting, or of any part of any such document, shall, subject to subsection (6) below, be admissible in evidence to the like extent as the original.
- (5) A certificate purporting to be signed by the proper officer of the local authority, or the chairman of the parish meeting, concerned that a document is such a photographic copy as is mentioned in subsection (4) above, shall, subject to subsection (7) below, be evidence to that effect.
- (6) The court before which a photographic copy is tendered in evidence in pursuance of subsection (4) above may, if the original is in existence, require its production and thereupon that subsection shall not apply to the copy.
- (7) A photographic copy of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.
- (8) In this section “court” and “legal proceedings” have the same meanings as in the <sup>M141</sup>Civil Evidence Act 1968 [<sup>F364</sup> and “local authority” includes a joint authority . . .  
<sup>F365</sup>]

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### Textual Amendments

- F364** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 25**  
**F365** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C417** S. 229 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 12(g)**  
**C418** S. 229 modified (07.08.1991) by [S.I.1991/1773 art.8\(2\)](#), Sch.2.  
 S. 229: certain functions transferred (07.08.1991) by [S.I.1991/1773](#), art. 8, **Sch.2**.  
 S. 229 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
**C419** S. 229(8) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(n)**  
**C420** S. 229(8) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(n)**

### Marginal Citations

- M140** 1958 c. 51.  
**M141** 1968 c. 64.

## 230 Reports and returns. **E+W**

[<sup>F366</sup>(1)] Every local authority, every joint board and every joint committee of local authorities shall send the Secretary of State such reports and returns, and give him such information with respect to their functions, as he may require or as may be required by either House of Parliament.

[<sup>F367</sup>(2) In this section “local authority” includes a joint authority <sup>F368</sup>. . . .]

### Textual Amendments

- F366** S. 230 renumbered as S. 230(1) as provided by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 26**  
**F367** S. 230(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 26**  
**F368** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C421** S. 230 modified by [Housing and Building Control Act 1984 \(c. 29, SIF 61\)](#), s. 50  
**C422** S. 230 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 12(g)**  
 S. 230 amended (28.4.1994) by [S.I. 1994/2825](#), **reg. 18**  
**C423** S. 230 modified (07.08.1991) by [S.I.1991/1773 art.8\(2\)](#), Sch. 2  
 S. 230: certain functions transferred (07.08.1991) by [S.I.1991/1773](#), art. 8, **Sch.2**  
 S. 230 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
 S. 230 modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(e)**  
 S. 230 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 17(2)(c)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
 S. 230 extended (8.5.2000) by [1999 c. 29](#), s. 75 (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(b), **Sch. Pt. 2**  
**C424** S. 230 applied (with modifications) (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 21(2)(d)**



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S. 230 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(d)**

**C425** S. 230(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C426** S. 230(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 231 Service of notices on local authorities, etc. **E+W**

- (1) Subject to subsection (3) below, any notice, order or other document required or authorised by any enactment or any instrument made under an enactment to be given to or served on a local authority or the chairman or an officer of a local authority shall be given or served by addressing it to the local authority and leaving it at, or sending it by post to, the principal office of the authority or any other office of the authority specified by them as one at which they will accept documents of the same description as that document.
- (2) Any notice, order or other document so required or authorised to be given to or served on a parish meeting, or the chairman of the parish meeting, shall be given or served by addressing it to the chairman of the parish meeting and by delivering it to him, or by leaving it at his last known address, or by sending it by post to him at that address.
- (3) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court, but except as aforesaid the methods of giving or serving documents provided for by those provisions are in substitution for the methods provided for by any other enactment or any instrument made under an enactment so far as it relates to the giving or service of documents to or on a local authority, the chairman or an officer of a local authority or a parish meeting or the chairman of a parish meeting.

[<sup>F369</sup>(4) In this section “local authority” includes a joint authority . . . <sup>F370</sup>.]

### Textual Amendments

**F369** S. 231(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 27**

**F370** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

**C427** S. 231 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C428** S. 231 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2

S. 231: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

S. 231 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C429** S. 231(1) extended by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 9(2) and by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 106, **Sch. 21 para. 10**

**C430** S. 231(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C431** S. 231(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 232 Public notices. **E+W**

- (1) Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—

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- (a) by posting the notice in some conspicuous place or places within the area of the local authority; and
- (b) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

[<sup>F371</sup>(1A) In subsection (1) above “local authority” includes a joint authority . . . <sup>F372</sup>.]

- (2) This section shall apply to a public notice required to be given by the chairman of a parish meeting as it applies to public notices required to be given by a parish council.

#### Textual Amendments

**F371** S. 232(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 28**

**F372** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C432** S. 232 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C433** S. 232 modified (07.08.1991) by S.I.1991/1773 art.8(2),2

S. 232: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**

S. 232 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

**C434** S. 232(1A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C435** S. 232(1A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

### 233 Service of notices by local authorities. **E+W**

- (1) Subject to subsection (8) below, subsections (2) to (5) below shall have effect in relation to any notice, order or other document required or authorised by or under any enactment to be given to or served on any person by or on behalf of a local authority or by an officer of a local authority.
- (2) Any such document may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such document may—
  - (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 26 of the <sup>M142</sup>Interpretation Act 1889 (service of documents by post) in its application to this section, the proper address of any person to or on whom a document is to be given or served shall be his last known address, except that—
  - (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;

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and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.

- (5) If the person to be given or served with any document mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 26 of the <sup>M143</sup> Interpretation Act 1889 as his proper address.

(6) ..... <sup>F373</sup>

- (7) If the name or address of any owner, lessee or occupier of land to or on whom any document mentioned in subsection (1) above is to be given or served cannot after reasonable inquiry be ascertained, the document may be given or served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

- (8) This section shall apply to a document required or authorised by or under any enactment to be given to or served on any person by or on behalf of the chairman of a parish meeting as it applies to a document so required or authorised to be given to or served on any person by or on behalf of a local authority.

- (9) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court.

- (10) Except as aforesaid and subject to any provision of any enactment or instrument excluding the foregoing provisions of this section, the methods of giving or serving documents which are available under those provisions are in addition to the methods which are available under any other enactment or any instrument made under any enactment.

[<sup>F374</sup>(11) In this section “local authority” includes a joint authority . . . <sup>F375</sup>.]

#### Textual Amendments

**F373** S. 233(6) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **Sch. 2**

**F374** S. 233(11) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 29**

**F375** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C436** S. 233 extended by Housing Act 1974 (c. 44), s. 126(6); saved (prosp.) by Reservoirs Act 1975 (c. 23), ss. 15(4), 29(1)

**C437** S. 233 applied by S.I. 1978/932, art. 16 and by S.I. 1990/582, reg. 47(2)

**C438** S. 233 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

**C439** S. 233 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2

S. 233: certain functions transferred (07.08.1991) by S.I.1991/1773, art.8, **Sch.2**

S. 233 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

**C440** S. 233(11) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C441** S. 233(11) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

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#### Marginal Citations

M142 1889 c. 63.

M143 1889 c. 63.

### 234 Authentication of documents. **E+W**

- (1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the proper officer of the authority.
- (2) Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

In this subsection the word “signature” includes a facsimile of a signature by whatever process reproduced.

- (3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.

[<sup>F376</sup>(4) In this section “local authority” includes a joint authority . . . <sup>F377</sup>.]

#### Textual Amendments

**F376** S. 234(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 30**

**F377** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C442** S. 234 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(d)**

**C443** S. 234 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch.2

S. 234: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

**C444** S. 234(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C445** S. 234(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

### Byelaws

### 235 Power of councils to make byelaws for good rule and government and suppression of nuisances. **E+W**

- (1) The council of a district and the council of a London borough may make byelaws for the good rule and government of the whole or any part of the district or borough, as the case may be, and for the prevention and suppression of nuisances therein.
- (2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.
- (3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

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

C446 S. 235 amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 43 (which s. 43 is repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(1)(2), 164(3), Sch. 15 para. 21, Sch. 16 Pt. IX)

### 236 Procedure etc., for byelaws. **E+W**

- (1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority under this Act [<sup>F378</sup>and to byelaws made by a local authority, [<sup>F379</sup>or a metropolitan county passenger transport authority] under any other enactment and conferring on the authority] a power to make byelaws and for which specific provision is not otherwise made.
- (2) This section shall not apply to byelaws made . . . <sup>F380</sup> by the Civil Aviation Authority under [<sup>F381</sup>section 29 of the Civil Aviation Act 1982].
- (3) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.
- (6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- (8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.
- (9) The proper officer of a district council shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish or community to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community.

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A copy so deposited shall at all reasonable hours be open to public inspection without payment.

- (10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.
- (11) In this section the expression “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

#### Textual Amendments

- F378** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(1)**
- F379** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 45**
- F380** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), **Sch. 27 Pt. I**
- F381** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **Sch. 15 para. 11**

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

- C447** S. 236 applied by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 98(2).  
S. 236 modified by S.I. 1986/143, **regs. 2(1), 3(1)**.  
S. 236 applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), s. 66(5) (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4)).  
S. 236: ss. 236–238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**.  
Ss. 236–238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).  
S. 236 applied (with modifications)(1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
S. 236 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
S. 236 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
- C448** S. 236(3)–(8) modified (07.08.1991) by S.I.1991/1773 art.8(2), [Sch. 2](#).  
S. 236(3)–(8): certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.  
S. 236(3)–(8) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#); ss. 6(5), 10, 23(2), 27(2), [Sch. 5 para. 7\(1\)](#).  
S. 236(3)–(8) modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 236(3)–(8): certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 236(3)–(8) applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39).  
S. 236(3)–(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, s. 16(8) (with s. 30(1), [Sch. 2 para. 9](#)).  
S. 236(3)–(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).  
S. 236(3)–(8) applied (21.7.1994) by 1994 c. xiii, s. 10(1)(2)  
S. 236(3)–(8) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(a)**  
S. 236(3)–(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**  
S. 236(3)–(8) applied (30.8.1994) by S.I. 1994/2298, **art. 30**  
S. 236(3)–(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- C449** S. 236(7) applied (with modifications)(21.7.1994) by 1994 c. xiii, s. 10(2)  
S. 236(7) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(b)**

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- S. 236(7) applied (with modifications)(30.8.1994) by S.I. 1994/2298, **art. 30**
- C450** S. 236(8) extended with modifications by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**
- C451** S. 236(9) excluded by Civil Aviation Act 1982 (c. 16, SIF 9), **s. 32(4)** and by Airports Act 1986 (c. 31, SIF 9), **Pt. VI**, s. 63(8)
- C452** S. 236(11) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 236(3)-(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 236(3)-(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 236(3)-(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 236(3)-(8)(11) applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**
- S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**

VALID FROM 27/01/2010

**[<sup>F382</sup>236A Alternative procedure for certain byelaws **E+W****

- (1) The Secretary of State may, in relation to England, by regulations—
  - (a) prescribe classes of byelaws to which section 236 does not apply, and
  - (b) make provision about the procedure for the making and coming into force of such byelaws.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) The regulations may, in particular, include provision about—
  - (a) consultation to be undertaken before a byelaw is made,
  - (b) publicising a byelaw after it is made.
- (4) The regulations may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

**Textual Amendments**

- F382** S. 236A inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 129(3), 245(5); S.I. 2010/112, art. 2(a)**

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

**C453** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

### [<sup>F383</sup>**236** **Revocation of byelaws** **E+W**]

- (1) This section applies to—
  - (a) a local authority;
  - (b) the Greater London Authority;
  - (c) Transport for London;
  - (d) a metropolitan county passenger transport authority.
- (2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.
- (3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.
- (4) The confirming authority in relation to a byelaw made under this section shall be—
  - (a) in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;
  - (b) in relation to any other byelaw, the Secretary of State.
- (5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.
- (6) The Welsh Ministers may, in relation to Wales, by order revoke any byelaw which appears to them to have become spent, obsolete or unnecessary.
- (7) An order under this section may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Welsh Ministers unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Otherwise, a statutory instrument containing an order made by the Welsh Ministers under this section shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]



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### Textual Amendments

**F383** S. 236B inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 134, 245(5); S.I. 2010/112, art. 2(f)

## 237 Offences against byelaws. **E+W**

Byelaws to which section 236 above applies may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

### Modifications etc. (not altering text)

- C454** S. 237 excluded by Civil Aviation Act 1982 (c. 16, SIF 9), s. 32(4) and by Airports Act 1986 (c. 31, SIF 9), Pt. VI, s. 63(8)
- C455** S. 237 amended by Criminal Law Act 1977 (c. 45, SIF 39:1), s. 31 and Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 40, 46
- C456** S. 237 modified by S.I. 1986/143, regs. 2(1), 3(1)
- C457** S.237:ss.236-238 applied (12.3.1991) by S.I.1991/993, art.3(3)  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, art. 3(4) (with arts. 22, 23).
- C458** S. 237 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.  
S. 237: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, Sch.2.
- C459** S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), Sch.2.  
S. 237: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, Sch.2.  
S. 237 applied (30.10.1994) by S.I. 1994/2716, reg. 94(1)  
S. 237 applied (with modifications) (1.11.1994) by S.I. 1994/2733, art. 3(4)  
S. 237 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 237 applied (with modifications) (19.8.1996) by S.I. 1996/2103, art. 3(9)  
S. 237 applied (with modifications) (1.8.2000) by S.I. 2000/2103, art. 3(4)  
S. 237 applied (with modifications) (4.9.2000) by S.I. 2000/2251, art. 3(4)  
S. 237 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)
- C460** S. 237 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 21(2)(f)  
S. 237 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 21(2)(f)
- C461** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), ss. 50(7), 56 (with s. 60))

VALID FROM 27/01/2010

## **F384** 237A Fixed penalty notices **E+W**

- (1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.

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- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) Where—
  - (a) an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw, or
  - (b) an authorised officer of a parish council has reason to believe that a person has in its area committed an offence against a byelaw to which this section applies made by an authority other than the parish council,the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (4) A fixed penalty notice under this section is payable to the authority whose officer gave the notice.
- (5) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings may be instituted for the offence before the end of the period of fourteen days following the date of the notice, and
  - (b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.
- (6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.
- (7) A notice under this section must also state—
  - (a) the period during which, by virtue of subsection (5), proceedings will not be taken for the offence,
  - (b) the amount of the fixed penalty, and
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (7)(c) at the address so mentioned.
- (9) Where a letter is sent in accordance with subsection (8) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) The form of a notice under this section may be specified in regulations under subsection (1).
- (11) In any proceedings a certificate which—
  - (a) purports to be signed on behalf of the chief finance officer of an authority, and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

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is evidence of the facts stated.

(12) In this section—

“authorised officer”, in relation to an authority, means—

- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,
- (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and
- (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,

“chief finance officer”, in relation to an authority, means the person having responsibility for the financial affairs of the authority.

(13) Regulations under subsection (1) may prescribe conditions to be satisfied by a person before a parish council may authorise him in writing for the purpose of giving notices under this section.

#### Textual Amendments

**F384** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(1), 245(5); S.I. 2010/112, art. 2(b)

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

**C462** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

#### **237B** Amount of fixed penalty **E+W**

- (1) The amount of a fixed penalty payable in pursuance of a notice under section 237A is—
  - (a) the amount specified by the authority which made the byelaw, or
  - (b) if no amount is so specified, £75.
- (2) An authority may specify different amounts in relation to different byelaws.
- (3) The Secretary of State may by regulations make provision in connection with the powers under subsections (1)(a) and (2).
- (4) Regulations under subsection (3) may, in particular—
  - (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations,
  - (b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (2).
- (5) The Secretary of State may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

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#### Textual Amendments

**F384** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 130\(1\)](#), [245\(5\)](#); S.I. 2010/112, [art. 2\(b\)](#)

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

**C463** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), [regs. 1\(2\)](#), [31\(2\)](#) (with [reg. 125](#))

VALID FROM 27/01/2010

### 237C Power to require name and address in connection with fixed penalty **E+W**

- (1) If an authorised officer proposes to give a person a notice under section 237A, the officer may require the person to give him his name and address.
- (2) A person commits an offence if—
  - (a) he fails to give his name and address when required to do so under subsection (1), or
  - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section, “authorised officer” has the same meaning as in section 237A.]

#### Textual Amendments

**F384** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 130\(1\)](#), [245\(5\)](#); S.I. 2010/112, [art. 2\(b\)](#)

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

**C464** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), [regs. 1\(2\)](#), [31\(2\)](#) (with [reg. 125](#))

VALID FROM 27/01/2010

### <sup>F385</sup> 237D Use of fixed penalty receipts **E+W**

- (1) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 237A.
- (2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.
- (3) A “relevant nuisance” is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made.]

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#### Textual Amendments

**F385** S. 237D inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 131, 245\(5\)](#); S.I. 2010/112, [art. 2\(c\)](#)

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

**C465** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), [regs. 1\(2\), 31\(2\)](#) (with [reg. 125](#))

VALID FROM 27/01/2010

#### <sup>F386</sup> **237E** Guidance relating to sections 236A and 237A to 237D **E+W**

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

- (a) procedure for which provision is made by regulations under section 236A(1);
- (b) fixed penalties;
- (c) anything related to the matters mentioned in paragraph (a) or (b).]

#### Textual Amendments

**F386** S. 237E inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 132, 245\(5\)](#); S.I. 2010/112, [art. 2\(d\)](#)

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

**C466** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), [regs. 1\(2\), 31\(2\)](#) (with [reg. 125](#))

VALID FROM 27/01/2010

#### <sup>F387</sup> **237F** Further provision about regulations and orders under section 237A or 237B **E+W**

(1) Regulations under section 237A or 237B, and an order under section 237B, may make—

- (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
- (b) different provision for different areas, including different provision for different localities and for different authorities.

(2) A statutory instrument containing—

- (a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or

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(b) an order under section 237B which amends or repeals any provision of an Act,

may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.

(3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F387** S. 237F inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(2), 245(5); S.I. 2010/112, art. 2(b)

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

**C467** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

## 238 Evidence of byelaws. **E+W**

The production of a printed copy of a byelaw purporting to be made by a local authority [<sup>F388</sup>, [<sup>F389</sup> or a metropolitan county passenger transport authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

#### Textual Amendments

**F388** Comma and words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 31(2) (the inserted words being subsequently substituted as mentioned in note below)

**F389** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 Pt. II para. 46

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

**C468** S. 238 extended with modifications by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 65(7)

**C469** S. 238 modified by S.I. 1986/143, regs. 2(1), 3(1)

**C470** S. 238 applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), Sch. 5 para. 7(1)

S. 238 applied (with modifications) (17.3.1993) by S.I. 1993/1313, art. 30(1)(a) (with art. 39).

S. 238 applied (with modifications) (5.11.1993) by 1993 c. 42, s. 16(8) (with s. 30(1), Sch. 2 para. 9).

S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, art. 5(2) (with arts. 7, 9).

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- S. 238 modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)**
- S. 238 applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 238 applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**
- S. 238 applied (30.8.1994) by S.I. 1994/2298, **art. 30**
- S. 238 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
- S. 238 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**
- S. 238 applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 238 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 238 applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
- S. 238 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
- S. 238 applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
- C471** S.238:ss.236-238 applied (12.3.1991), by S.I.1991/993, **art. 3(3)**  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)
- C472** S. 238 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.  
S. 238: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2.**
- C473** S. 238 modified (10.01.1992) by S.I.1991/2913, art.8(2), **Sch.2.**  
S. 238: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, **Sch.2.**  
S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
S. 238 applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**  
S. 238 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**  
S. 238 applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**  
S. 238 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**  
S. 238 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)

### *Miscellaneous provisions*

## **239 Power to promote or oppose local or personal Bills. E+W**

- (1) Subject to the provisions of this Act, where a local authority, other than a parish or community council, are satisfied that it is expedient to promote, or any local authority are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.
- (2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—
  - (a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and
  - (b) in the case of the promotion of a Bill, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the Bill.

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- (3) For the purposes of subsection (2) above the requisite notice is thirty clear days' notice in the case of promotion of a Bill and ten clear days' notice in the case of opposition to a Bill.
- (4) The power conferred on a local authority by subsection (1) above shall be in substitution for any power conferred on that authority by a local Act.
- [<sup>F390</sup>(4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority, <sup>F391</sup> . . .]
- (5) No payment shall be made by a [<sup>F392</sup>an authority] to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

#### Textual Amendments

**F390** S. 239(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(1)**

**F391** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F392** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(2)**

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

**C474** S. 239 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(h)**

S. 239 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(h)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 239 extended (with modifications)(19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 7(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

S. 239: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

**C475** S. 239 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 32**

S. 239 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 32**

**C476** S. 239(4A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(o)**

## 240 Provisional orders and orders subject to special parliamentary procedure. **E** **+W**

- (1) Where the Secretary of State is authorised to make a provisional order under this Act or any enactment passed on or after 1st June 1934 (being the date of commencement of the 1933 Act), the following provisions shall have effect—
- (a) before a provisional order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Secretary of State may direct and at which all persons interested shall be permitted to attend and make objections;



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- (c) the Secretary of State may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament;
    - (d) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill.
- (2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the preliminary inquiry, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Secretary of State, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order and shall be paid accordingly, and a local authority may borrow for the purpose of defraying any such costs.
- (3) Where the Secretary of State is authorised to make an order under this Act which is subject to special parliamentary procedure or an order under any enactment passed on or after 1st June 1934 which is so subject by virtue of section 8(3) of the <sup>M144</sup>Statutory Orders (Special Procedure) Act 1945, the following provisions shall have effect—
  - (a) before the order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as he may direct and at which all persons interested shall be permitted to attend and make objections.
- (4) Any order mentioned in subsection (1) or (3) above may repeal, revoke, modify or amend any Act confirming a provisional order or any order which has been subject to parliamentary procedure.
- (5) At any time before submitting any order mentioned in subsection (1) or (3) above to Parliament, the Secretary of State may revoke the order, either wholly or in part.
- (6) The making of any order mentioned in subsection (1) or (3) above shall be prima facie evidence that all the requirements of this section and any other enactment with respect to the steps to be taken before the making of the order have been complied with.
- (7) Subsections (3) to (6) above shall be included among the enactments which may be adapted or modified by an Order in Council under section 8(3) of the <sup>M145</sup>Statutory Orders (Special Procedure) Act 1945.

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

**C477** S. 240 modified by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 4(4)(a)**, 79

**C478** S. 240 amended (1.7.1999) by [S.I. 1999/672](#), **art. 2**, **Sch. 1**

**C479** S. 240(2) modified (07.08.1991) by [S.I.1991/1773](#) **art.8(2)**, **Sch.2**.

S. 240(2): certain functions transferred (07.08.1991) by [S.I.1991/1773](#), **art. 8**, **Sch. 2**.

**C480** S. 240(2) modified (10.01.1992) by [S.I.1991/2913](#), **art.8(2)**, **Sch.2**.

S. 240(2): certain functions transferred (10.01.1992) by [S.I.1991/2913](#), **art.8**, **Sch.2**.

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#### Marginal Citations

M144 1945 c. 18 (9 & 10 Geo. 6).

M145 1945 c. 18 (9 & 10 Geo. 6).

### 241 Power to apply provisions of Act to joint boards, etc. **E+W**

Where any enactment, whether passed before or after 1st April 1974, authorises the formation by a provisional or other order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act.

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

C481 S. 241 extended by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 3(3), 79

S. 241 modified (28.7.1995) by 1990 c. 8, s. 2(6A) (as inserted (28.7.1995) by 1995 c. 25, s. 120(1), Sch. 22 para. 42 (with ss. 7(6), 115, 117); S.I. 1995/1983, art. 2)

### 242 Effect of inaccurate description. **E+W**

No misnomer or inaccurate description of any person or place named in any voting paper or notice relating to an election under Part I or II of this Act shall affect its full operation with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

### 243 Computation of time and timing of elections, etc. **E+W**

- (1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.
- (2) Subsection (1) above applies to any provision of this Act or of an instrument under this Act, except a provision in Part IX or X or a provision of rules under . . . <sup>F393</sup> paragraph 18 or 34 of Schedule 12 to this Act [<sup>F394</sup> and applies also to sections . . . <sup>F395</sup>, 31 and 32 of the Local Government Act 1985].
- (3) [<sup>F396</sup>Where under subsection (4) below] the day of a poll consequent on a parish or community meeting is postponed, the day to which it is postponed shall be treated for the purposes of this Act as the day . . . <sup>F397</sup> of the poll, . . . <sup>F397</sup>.
- (4) In computing any period of time for the purpose of any rules mentioned in subsection (2) above or for the purposes of . . . <sup>F398</sup> 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice of election or of the poll and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.

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- (5) Subsection (4) above, so far as it relates to any such rules shall have effect subject to the provisions of those rules.

#### Textual Amendments

- F393** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 9 Pt. II**
- F394** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 33**
- F395** In s. 243(2) the reference to section 19 repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F396** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 29
- F397** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(a)**, 28, 29, Sch. 5
- F398** Words repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 9 Pt. II**

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

- C482** [S. 243\(1\)](#) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29
- C483** [S. 243\(4\)](#) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **ss. 19(6)(b)**, 29

### 244 Saving of transfer of certain powers under local Acts from Treasury to Secretary of State. **E+W**

- (1) The Secretary of State shall, as regards every local authority, exercise any power conferred on the Treasury by any local or private Act passed before 4th August 1906 with respect to dealings with property, loans and matters connected therewith and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.
- (2) If any question arises whether subsection (1) above applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final.

VALID FROM 03/07/2000

#### [<sup>F399</sup> 244A] **Application of this Part to London Fire and Emergency Planning Authority.** **E+W**

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.]

#### Textual Amendments

- F399** [S. 244A](#) inserted (3.7.2000) by [1999 c. 29, s. 328\(8\)](#), **Sch. 29 Pt. I para. 21** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, art. 4\(a\)\(h\)](#)

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## PART XII **E+W**

### MISCELLANEOUS AND GENERAL

*Status, etc.*

#### **245 Status of certain districts, parishes and communities. **E+W****

- (1) If, on a petition presented to Her Majesty by the council of a district praying for the grant of a charter under this subsection, Her Majesty by the advice of Her Privy Council thinks fit so to do, She may by the charter confer on that district the status of a borough, and thereupon—
  - (a) the council of the district shall bear the name of the council of the borough;
  - (b) the chairman and vice-chairman of the council shall respectively be entitled to the style of mayor and deputy mayor of the borough.
- (2) A petition for a charter under subsection (1) above shall not be presented except on a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.
- (3) No charter under subsection (1) above shall take effect before 1st April 1974.
- (4) Where a petition is presented to Her Majesty before 1st April 1974 by the council of a district praying for the grant of a charter under subsection (1) above and it is signified on behalf of Her Majesty before that date that She proposes to accede to the petition and that She approves—
  - (a) the use for the district of any style previously belonging to an existing borough which on that date will become wholly or partly comprised in the district; and
  - (b) the use for the chairman and vice-chairman of the council of the district of any style previously belonging to the mayor or deputy mayor of that borough;those styles may be so used as from 1st April 1974.
- (5) A district which has the status of a borough, or for which the style of borough may be used, by virtue of the foregoing provisions of this section and the council of any such district shall not be treated as a borough or the council of a borough for the purposes of any Act passed before 1st April 1974.
- (6) The council of a parish or community which is not grouped with any other parish or community may resolve that the parish or community shall have the status of a town and thereupon—
  - (a) the council of the parish or community shall bear the name of the council of the town;
  - (b) the chairman and vice-chairman of the council shall be respectively entitled to the style of town mayor and deputy town mayor;
  - (c) the parish meeting or a community meeting shall have the style of town meeting.
- (7) A resolution under subsection (6) above shall cease to have effect if the parish or community to which it relates ceases to exist.
- (8) If a parish or community council which has passed a resolution under subsection (6) above is dissolved without the parish or community ceasing to exist, the dissolution shall not affect the status of the parish or community or the application to it of

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paragraph (c) of that subsection and in England the parish trustees shall have the style of town trustees.

- (9) A parish or community council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England or a community meeting in Wales may resolve that the parish or community shall cease to have the status of a town and thereupon subsection (6)(a) to (c) above and subsection (8) above shall cease to apply to the parish or community.
- (10) The foregoing provisions of this section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any such provision granting the status of a city or royal borough or conferring the style of lord mayor, deputy lord mayor or right honourable.

[<sup>F400</sup>245A] **Power for borough and town councils in Wales to adopt Welsh language form of their descriptions, etc.** **E+W**

- (1) If and so long as this subsection is in force in relation to a district in Wales which, by virtue of section 245(1) above, has the status of a borough or for which, by virtue of section 245(4) above, the style of borough may be used—
- (a) the council shall bear the name “Cyngor Bwrdeistref” instead of “Council of the Borough” or “Borough Council”;
  - (b) the chairman of the council shall be entitled to the style “maer” instead of “mayor”; and
  - (c) the vice-chairman of the council shall be entitled to the style “dirprwy faer” instead of “deputy mayor”.
- (2) Subject to subsection (3) below, subsection (1) above shall come into force in relation to a district which has the status of a borough, or for which the style of borough may be used, three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall be used.
- (3) A resolution under subsection (2) above may be passed by the council of a district in Wales notwithstanding that, at the time it is passed, the council does not have the status of a borough; but, if a resolution is passed at such a time, subsection (1) above shall not come into force unless, nor earlier than, the status of a borough is conferred on the district by virtue of section 245(1) above.
- (4) Subsection (1) above shall cease to be in force in relation to a district which has the status of a borough, or for which the style of borough may be used, three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall cease to be used.
- (5) If and so long as this subsection is in force in relation to a community which, by virtue of section 245(6) above, has the status of a town—
- (a) the council shall bear the name “Cyngor Tref” instead of “council of the town” or “town council”;
  - (b) the chairman of the council shall be entitled to the style “maer y dref” instead of “town mayor”, and
  - (c) the vice-chairman of the council shall be entitled to the style “dirprwy faer y dref” instead of “deputy town mayor”.

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- (6) Subsection (5) above shall come into force in relation to a community which has the status of a town three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall be used.
- (7) Subsection (5) above shall cease to be in force in relation to a community which has the status of a town three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall cease to be used.
- (8) Subsection (10) of section 245 above has effect in relation to this section as it has effect in relation to the foregoing provisions of that section.]

#### Textual Amendments

**F400** S. 245A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 6](#)

VALID FROM 01/04/1996

#### [<sup>F401</sup>245B] Community having the status of a town. **E+W**

- (1) The council of a community which is not grouped with any other community may, subject to subsection (3) below, resolve that the community shall have the status of a town.
- (2) Where a community has the status of a town—
- (a) the town council shall have the name of the community with the addition—
    - (i) in English, of the words “Town Council”; and
    - (ii) in Welsh, of the words “Cyngor Tref”;
  - (b) the chairman of the town council shall be entitled to the style of “town mayor” or “maer y dref”; and
  - (c) the vice-chairman of the town council shall be entitled to the style of “deputy town mayor” or “dirprwy faer y dref”.
- (3) Where the provisions of section 27(4) above apply in relation to a community, the council of that community shall not pass a resolution under subsection (1) above unless it is satisfied that those provisions have been complied with in relation to the community.
- (4) Any such resolution shall cease to have effect if the community to which it relates ceases to exist.
- (5) If a community council which has passed such a resolution is dissolved without the community ceasing to exist, the dissolution shall not affect the status of the community.
- (6) A community council by whom a resolution has been passed under subsection (1) above or, if the council has been dissolved, a community meeting of the community may resolve that the resolution shall cease to have effect.
- (7) On the passing of a resolution under subsection (6) above, the community shall cease to have the status of a town.

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- (8) This section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any provision conferring any style on any person.]

#### Textual Amendments

**F401** S. 245B inserted (1.4.1996) by 1994 c. 19, s. 16 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

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

**C484** S. 245B: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

## 246 **Preservation of powers, privileges and rights of existing cities or boroughs.** E

+W

- (1) Any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of an existing city or borough shall belong on and after that date to the inhabitants of the area of the existing city or borough.
- (2) A charter granted by Her Majesty under section 245 above with respect to a district may—
  - (a) provide that any powers to appoint local officers of dignity exercisable immediately before 1st April 1974 by the corporation of an existing city or borough, the area of which becomes wholly or partly comprised by virtue of Part I or II of this Act in the district [<sup>F402</sup>being powers which are not exercised pursuant to subsection (4) or (5) below by charter trustees], shall be exercisable on the coming into force of the charter by the council of the district in relation to the whole or any part of the district;
  - (b) provide that any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of any such city or borough [<sup>F403</sup>for which charter trustees are not constituted pursuant to subsection (4) or (5) below] shall belong on the coming into force of the charter to the inhabitants of the whole or any part of the district;
  - (c) contain such incidental, consequential or supplementary provision as may appear to Her Majesty to be necessary or proper in connection with the aforesaid matters.
- (3) Where by virtue of Part I or II of this Act, the area of an existing city or borough on 1st April 1974 becomes a parish in England or becomes a community in Wales having a separate community council, any powers to appoint local officers of dignity exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the parish or community council.
- (4) Where by virtue of Part I or II of this Act the area of an existing city or borough on 1st April 1974 becomes wholly comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and that city or borough does not on that date become a parish in England or a community in Wales having a separate community council—
  - (a) there shall as from that date be a body corporate by the name of “the Charter Trustees of the City” or “the Charter Trustees of the Town”, as the case may

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- be, with the addition of the name of the existing city or borough, consisting of the district councillors for the wards wholly or partly comprising the area of the city or borough or, if the number of those councillors is less than three, consisting of those councillors and such number of local government electors for that area appointed by the district council as will make the number of charter trustees up to three;
- (b) the charter trustees may in every year elect one of their number to be city or town mayor and another to be deputy city or town mayor; and
- (c) any powers to appoint local officers of dignity exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the charter trustees.
- (5) Where by virtue of Part I of this Act part of the area of an existing city or borough in England on 1st April 1974—
- (a) becomes a parish; or
- (b) becomes comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and does not become a parish;
- the Secretary of State may by order provide that subsection (3) or (4) above, as the case may be, shall apply to that part of that area, but if the order so provides with the substitution for the name of the existing city or borough in question of a name specified in the order.
- (6) Subsections (1), [<sup>F404</sup>and (3) above and any order applying subsection (3) made pursuant to] subsection (5) above shall have effect subject to any provision made by a grant under Her Majesty's prerogative or any provision of a charter granted by Her Majesty under section 245 above and any other provision of this Act or an instrument thereunder, and a charter under subsection (2) above shall have effect subject to any provision made by any such grant or any other provision of this Act or an instrument thereunder.
- (7) ..... <sup>F405</sup>
- (8) If an area or part of an area for which charter trustees have been constituted under subsection (4) above becomes, or becomes comprised in, a parish or a separate community council is established for a community consisting of such an area, that subsection shall cease to apply to the area or part and accordingly the charter trustees shall cease to act therefor.
- (9) Where charter trustees have been constituted for an area which is altered by an order under Part IV of this Act and [<sup>F406</sup>subsection (8) does not apply] in relation to the alteration, the order may make such provision with respect to the charter trustees as may appear to the Secretary of State to be appropriate.
- (10) The sums required to meet the expenses of charter trustees shall be chargeable on, but only on, the area for which the charter trustees act, and for the purpose of obtaining those sums the charter trustees shall issue precepts to the council of the district in which that area is situated.
- (11) Where the amount of the income received by charter trustees in any year from their property exceeds any expenditure incurred in connection with that property, they shall pay the excess to the rating authority for the rating area in which the area for which the charter trustees act is situated to be credited to the last-mentioned area.



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- (12) Every cheque or other order for the payment of money by charter trustees shall be signed by two of them.
- (13) Charter trustees shall keep such accounts as may be prescribed of their receipts and payments.
- (14) Sections 15(5) and 34(5) above shall apply in relation to a city or town mayor holding office by virtue of this section as they apply to the chairman of a parish or community council.
- (15) [<sup>F407</sup>Section 168 above], except subsection (5), shall apply in relation to charter trustees as if the charter trustees were the council of a parish or community consisting of the area for which they act.
- (16) Sections 173 to 178 above shall apply in relation to charter trustees as if the charter trustees were the members of the council of a parish or community consisting of the area for which they act.

#### Textual Amendments

- F402** Words inserted by Charter Trustees Act 1985 (c. 45, SIF 81:1) ss. 1(2)(a)(3), 2
- F403** Words inserted by Charter Trustees Act 1985 (c. 45, SIF 81:1), ss. 1(2)(b)(3), 2
- F404** Words substituted by Charter Trustees Act 1985 (c. 45, SIF 81:1), ss. 1(2)(c)(3), 2
- F405** S. 246(7) repealed by Charter Trustees Act 1985 (c. 45, SIF 81:1), ss. 1(2)(d)(3), 2
- F406** Words substituted by Charter Trustees Act 1985 (c. 45, SIF 81:1), ss. 1(2)(e)(3), 2
- F407** Words substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, Sch. 5 para. 5(5)

#### 247 Transfer of armorial bearings from old to new authorities. **E+W**

- (1) Subject to subsection (2) below, Her Majesty may by Order in Council authorise any new local authority specified in the Order to bear and use any armorial bearings which may be so specified and which, immediately before 1st April 1974, were lawfully borne and used by an existing local authority which ceases to exist by virtue of section 1 of section 20 above.
- (2) An Order in Council under this section shall provide that before any armorial bearings of an existing local authority may be borne and used by a new local authority in accordance with the Order, they shall be exemplified according to the laws of arms and recorded in the College of Arms.

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

- C485** S. 247 applied (with modifications)(11.3.1996) by S.I. 1996/330, arts. 1(2), 7

#### 248 Freemen and inhabitants of existing boroughs. **E+W**

- (1) Subject to the following provisions of this section, nothing in this Act shall affect any person's status, or the right of any person to be admitted, as a freeman of a place which is an existing borough; and in this section any such place is referred to as a city or town.

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- (2) On and after 1st April 1974 the roll of freemen of a city or town shall be kept by the proper officer of the relevant district council, that is to say, the council of the district which comprises the whole or the greater part of the city or town.
- (3) If at any time on or after 1st April 1974 any person claims to be admitted as a freeman of a city or town, his claim for admission shall be examined by the chairman of the relevant district council, as defined in subsection (2) above, and, if the person's claim is established, his name shall be entered on the roll of freemen of that city or town.
- (4) After 31st March 1974—
  - (a) a freeman of a city or town,
  - (b) any person who by marriage, descent, employment or otherwise is or has been related to or associated with a freeman of a city or town, and
  - (c) any person who is or has been related by marriage to the widow or a child of a freeman of a city or town,
 shall have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed on that date by a freeman of that city or town, by a person correspondingly related to or associated with such a freeman or, as the case may be, by a person correspondingly related by marriage to the widow or a child of such a freeman.
- (5) A person who is on 1st April 1974, or becomes thereafter, an inhabitant of a city or town shall, as such, have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed immediately before that date by an inhabitant of that city or town.

#### 249 Honorary aldermen and freemen. **E+W**

- (1) A principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then councillors of the council.
- (2) No honorary alderman shall, while serving as a councillor of the council, be entitled to be addressed as alderman or to attend or take part in any civic ceremonies of the council as an alderman.
- (3) Services rendered to the council of an existing county, county borough, borough or urban or rural district the area of which becomes wholly or partly included in a new county or district shall be treated for the purposes of subsection (1) above as services rendered to the council of the new county or district, as the case may be.
- (4) An honorary alderman of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right—
  - (a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or
  - (b) to receive any such allowances or other payments as are payable under sections 173 to 176 above.
- (5) The council of a London borough or a district having the status of a city, borough or royal borough [F408] or any parish or community having by grant under the royal

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perogative the status of city and any parish or community entitled by such grant to be called and styled a royal town] may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the city, borough or royal borough [<sup>F408</sup>or parish or community as aforesaid,] persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the city, borough or royal borough [<sup>F408</sup>or parish or community as aforesaid,], but the admission of a person to be an honorary freeman shall not confer on him any such rights as are referred to in section 248(4) above.

- (6) The council of a London borough or a district which has the status of a city, borough or royal borough [<sup>F409</sup>or parish or community as aforesaid] may spend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person upon whom they have conferred the title of honorary alderman or admitted to be an honorary freeman of the city, borough or royal borough [<sup>F409</sup>or parish or community as aforesaid].

#### Textual Amendments

**F408** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 180

**F409** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 180

### Inquiries

#### 250 Power to direct inquiries. **E+W**

- (1) Where any Minister is authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act, and where the Secretary of State is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, he may cause a local inquiry to be held.
- (2) For the purpose of any such local inquiry, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, <sup>F410</sup> . . . :

Provided that—

- (a) no person shall be required, in obedience to such summons, to attend to give evidence or to produce any such documents, unless the necessary expenses of his attendance are paid or tendered to him; and
- (b) nothing in this section shall empower the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.
- (3) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall

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be liable on summary conviction to a fine not exceeding [<sup>F411</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding six months, or to both.

- (4) Where a Minister causes an inquiry to be held under this section, the costs incurred by him in relation to the inquiry <sup>F412</sup> . . . shall be paid by such local authority or party to the inquiry as he may direct, and the Minister may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by any authority or person shall be recoverable from that authority or person by the Minister summarily as a civil debt.
- (5) The Minister causing an inquiry to be held under this section may make orders as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid, and every such order may be made a rule of the High Court on the application of any party named in the order.
- (6) This section shall extend to local inquiries held by the Secretary of State under the provisions of the <sup>M146</sup>Local Government Act 1929 or the <sup>M147</sup>Ferries (Acquisition by Local Authorities) Act 1919.

#### Textual Amendments

- F410** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. IV](#)
- F411** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F412** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 81:1\), ss. 24\(3\), 39\(4\), 49\(2\), 53\(2\), Sch. 12 Pt. III](#)

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

- C486** S. 250 modified by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\), s. 14\(7\)](#)  
S. 250: duty to apply imposed (1.4.1998) by 1997 c. 46, s. 13(9), [Sch. 1 para. 7\(1\)\(c\)](#); S.I. 1998/631, [art. 2\(1\)\(a\), Sch. 1](#)  
S. 250 extended (1.10.1998) by 1975 c. 70, s. 21A, [Sch. 4 Pt. IV para. 21](#) (as inserted (1.10.1998) by 1998 c. 38, s. 127, [Sch. 13 para. 3](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 4](#))  
S. 250 amended (1.7.1999) by S.I. 1999/672, [art. 2, Sch. 1](#)  
S. 250 applied (1.4.2000) by 1999 c. 27, [s. 15\(4\)](#); S.I. 1999/2169, [art. 4\(2\), Sch. 3](#); S.I. 1999/2815, [art. 3](#)  
S. 250 modified (3.7.2000) by 1990 c. 8, [s. 322B\(2\)-\(7\)](#) (as inserted (3.7.2000) by 1999 c. 29, s. 345 (with [Sch. 12 para. 9\(1\)](#))); S.I. 2000/801, [art. 2\(2\)\(c\), Sch. Pt. 3](#)
- C487** S. 250(1) saved by Health and Safety at Work etc. Act 1974 (c. 37), [s. 45\(2\)](#) and by Control of Pollution Act 1974 (c. 40), [s. 96\(2\)](#)
- C488** S. 250(2)(3): power to apply (with modifications) conferred (3.11.2008 for specified purposes and otherwise 1.12.2008) by 1996 c. 16 s. 84(4) (as substituted by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 126, 153, Sch. 22 para. 8\(3\)](#)); S.I. 2008/2712, [art. 2, Sch. 16\(c\)](#) (subject to arts. 3, 4); S.I. 2008/2993, [art. 2\(c\)\(h\)\(i\)](#) (subject to art. 3)
- C489** S. 250(2)-(5) applied (30.10.1994) by [The Conservation \(Natural Habitats, &c.\) Regulations 1994 \(S.I. 1994/2716\), reg. 22\(3\), Sch. 1 para. 4\(3\)](#)
- C490** S. 250(2)-(5) applied (30.10.1994) by [The Conservation \(Natural Habitats, &c.\) Regulations 1994 \(S.I. 1994/2716\), reg. 107\(2\)](#)
- C491** S. 250(2)-(5) applied (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\), art. 68](#)
- C492** S. 250(2)-(5) applied (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 75\(4\), 170](#) (with s. 96); S.I. 2009/462, [art. 2, Sch. 1 para. 26](#)
- C493** S. 250(2) applied with modifications by [Mental Health Act 1983 \(c. 20, SIF 85\), s. 125\(2\)](#) and by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), s. 43, Sch 4 para. 4\(1\), 16\(2\)](#)

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- S. 250(2) applied by Police Act 1964 (c. 48, SIF 95), **Sch. 5 para 3(7)** as inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **s. 103(2)** and by Parliamentary Constituencies Act 1986 (c. 56, SIF 89), **ss. 6(5)(6), 9(2)**
- S. 250(2) applied by S.I. 1987/2095, **art. 22** and by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 16(2), 24, 28, 42, 49, 54, 83, Sch. 2 Pt. II para. 9(1)(a), Sch. 7 para. 8(5)**
- C494** S. 250(2) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C495** S. 250(2)(3) applied (1.4.1998) by 1997 c. 50, **s. 79(3)**; S.I. 1998/354, **art. 2(1)(2)(an)**
- S. 250(2)(3) applied (1.12.1998) by 1998 c. 38, s. 2, **Sch. 1 para. 6(5)** (with **ss. 139(2), 143(2)**); S.I. 1998/2789, **art. 2**
- S. 250(2)(3) applied (with modifications) (1.4.1999) by S.I. 1999/818, **rule 8(2)**
- S. 250(2)(3) applied (1.2.2001 (E.) and 1.8.2001 (W.) for certain purposes and 18.2001 (W.) for certain purposes) by 2000 c. 38, **ss. 170(6), 185(6), 275(1)** (with s. 196); S.I. 2001/57, **art. 3(2), Sch. 3 Pt. I; S.I. 2001/2788, art. 2 Sch. 1**
- S. 250(2)(3) applied (E.) (14.12.2001) by S.I. 2001/3743, **regs. 1(1), 12**
- S. 250(2)(3) applied (with modifications) (15.11.2004) by Children Act 2004 (c. 31), **s. 3(8)**
- S. 250(2)(3) applied (26.8.2005) by S.I. 2005/2222, **art. 42, Sch. 14 para. 14(3)** (with **arts. 45(1), 48, Sch. 10 paras. 21, 29**)
- S. 250(2)(3) applied by Government of Wales Act 2006 (c. 32), **ss. 2, 161, Sch. 1 para. 4(6)** (with **Sch. 11 para. 22**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see **ss. 46, 161(1)(4)(5)** of the amending Act.
- C496** S. 250(2)(3) power to apply (with modifications) (9.3.2004) conferred by 1987 c. 4, s. 4A(4) (as inserted by 2002 c. 30, **ss. 79(2), 108(2)-(5)**; S.I. 2004/636, **art. 2**)
- C497** S. 250(2)(3) modified (prosp.) by 1964 c. 48, **s. 37(4)** (as substituted (prosp.) by 1994 c. 29, **ss. 19(1), 94(1)**) (which substituting section was repealed (22.8.1996) by 1996 c. 16, **ss. 103(3), 104(1), Sch. 9 Pt. I**)
- C498** S. 250(2)(3)(5) applied (with modifications) (1.4.1992) by S.I. 1992/664, **regs. 11(16), 26(1), 27(4), 29(5), 30(3), Sch. 9 para. 9**
- C499** S. 250(2)-(5) applied (with modifications) by Water Act 1973 (c. 37), **ss. 2(8), 12(11), 36(3), Sch. 2 para. 15(2), Sch. 4 Pt. II para. 10, Sch. 7 para. 23** and by Control of Pollution Act 1974 (c. 40), **s. 96(2)**; applied by Hallmarking Act 1973 (c. 43), **s. 20(1)(a)**, Slaughterhouses Act 1974 (c. 3), **ss. 18(5), 31(2)** and Health and Safety at Work etc. Act 1974 (c. 37), **s. 45(2)**
- S. 250(2)-(5) applied (with modifications) by Water Act 1989 (c. 15, SIF 130), **ss. 51, 58(7), 69, 101(1), 111, 141(6), 160(1)(2)(4), 163, 181, 189(4)-(10), 190, 193(1), Sch. 8 para. 2(10), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**
- S. 250(2)-(5) applied by S.I. 1987/2095, **art. 22** and by Electricity Act 1989 (c. 29, SIF 44:1), **ss. 62(2)**
- S. 250(2)-(5) applied by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), **ss. 10, 23(2), 24(4), 27(2), Sch. 5 para. 13(12)**, by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 252(6), 320(2)** and by Food Safety Act 1990 (c. 16, SIF 53:1, 2), **ss. 42(2)(5), 54**
- S. 250(2)-(5) applied (with modifications) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 79, 101(4), 175, 195, 208, Sch. 6 para. 6(4), Sch. 8 para. 5(4)** and by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 6(8), **Sch. 1 para. 3(4)**
- S. 250(2)-(5) applied (with modifications) by Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), **ss. 22(4), 40(3), Sch. 3 para. 6(4)** and (1.6.1992) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), s. 21(8), **Sch. para. 6(4)**; S.I. 1992/725, **art. 3**
- S. 250(2)-(5) applied (1.4.1991) by Local Authority Social Services Act 1970 (c. 42, SIF 81:3), **s. 7C(2)** (as inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 50**)
- S. 250(2)-(5) applied by Water Industry Act 1991 (c. 56, SIF 130), **ss. 215(2)(3), 223** (with **ss. 82(3), 186(1), 222(1), Sch. 14, para. 6**)
- S. 250(2)-(5) applied (12.3.1991) by S.I. 1991/993, **art. 28**

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- S. 250(2)-(5) applied (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **ss. 81(4)**; S.I.1991/828,art. 3(2)
- S. 250(2)-(5) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 215(1)**, 225 (with ss. 16(6), 105(4), 113(4), 179, 223(3), Sch. 22 para. 1)
- S. 250(2)-(5) applied (with modifications) (16.3.1992) by Midland Metro Act 1992 (c. vii), **s.27**
- S. 250(2)-(5) applied (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), ss. 101(4), 102(6), **Sch. 5 para. 4(1)** (with s. 167(4)(5)(6)); S.I. 1992/2984, art. 2(2), **Sch. 2**
- S. 250(2)-(5) applied (with modifications) (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 11(5)**; S.I. 1992/2784, art. 2(a), **Sch.1**
- S. 250(2)-(5) applied (with modifications) (8.7.1994) by S.I. 1994/1693, **art. 21**
- S. 250(2)-(5) applied (21.7.1994) by 1994 c. xv, **ss. 58(11)**
- S. 250(2)-(5) applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 27**
- S. 250(2)-(5) applied (with modifications) (13.4.1995) by S.I. 1995/1063, **art. 24**
- S. 250(2)-(5) applied (with modifications) (28.6.1995) by 1995 c. iii, **s. 22(2)**
- S. 250(2)-(5) applied (1.4.1996) by 1990 c. 43, **Sch. 1 Pt. II para. 8(4)** (as inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 93(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**)
- S. 250(2)-(5) applied (with modifications) (1.4.1996) by 1995 c. 25, **s. 53(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- S. 250(2)-(5) applied (with modifications) (1.4.1996) by 1995 c. 25, s. 114(4), **Sch. 20 para. 5(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- S. 250(2)-(5) applied (27.5.1997 for certain purposes) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 8(6)** (with ss. 64, 219)
- S. 250(2)-(5) applied (1.6.1997) by S.I. 1997/1160, **reg. 9(5)**
- S. 250(2)-(5) applied (28.7.1998) by 1998 c. iv, **s. 38(2)**
- S. 250(2)-(5) applied (25.11.1998 for certain purposes, otherwise 3.7.2000) by 1998 c. 45, **s. 25(5)**; S.I. 1998/2952, **art. 2(2)**; S.I. 2000/1173, **art. 2(2)(c)**
- S. 250(2)-(5) applied (1.12.1998) by 1998 c. 38, **s. 35(2)** (with ss. 139(2), 143(2)); S.I. 1998/2789, **art. 2**
- S. 250(2)-(5) applied (8.7.1999) by S.I. 1999/2513, **arts. 1(1)**, 26 (with art. 25)
- S. 250(2)-(5) applied (1.2.2000) by S.I. 1999/3445, **reg. 9(5)**
- S. 250(2)-(5) applied (with modifications) (1.8.2000) by S.I. 2000/1973, reg. 27(10), **Sch. 8 para. 4(10)**
- S. 250(2)-(5) applied (1.8.2000) by S.I. 2000/2103, **art. 25**
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 1981 c. 69, **s. 28F(10)** (as inserted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1**)
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 2000 c. 37, **ss. 7(2)-(4)**, 103(2) (with s. 43)
- S. 250(2)-(5) applied (with modifications) (30.1.2001) by 2000 c. 37, ss. 8(2), 103(2), **Sch. 3 para. 5** (with s. 43)
- S. 250(2)-(5) applied (with modifications) by 1980 c. 66, s. 2B (as inserted (12.2.2003 (E.) for certain purposes, 15.7.2005 (W.) for certain purposes, 11.5.2006 (W.) for remaining purposes) by 2000 c. 37, ss. 57, 103(3), Sch. 6 para. 23(8); S.I. 2003/272, **art. 2(p)**; S.I. 2005/1314, **art. 3(d)(viii)(gg)**; S.I. 2006/1279, **art. 2(I)(n)**)
- S. 250(2)-(5) applied (with modifications) (12.2.2003 (E.) for certain purposes and 31.5.2005 (W.) for certain purposes and 21.5.2007 (E.) insofar as not already in force) by 1980 c. 66, **Sch. 12ZA para. 7** (12.2.2003 (E.) for certain purposes and 31.5.2005 (W.) for certain purposes and 21.5.2007 (E.) insofar as not already in force) by 2000 c. 37, ss. 57, 103(3), Sch. 6 para. 24; S.I. 2003/272, **art 2(q)**; S.I. 2005/1314, **art. 2(b)(vii)**; S.I. 2007/1493, **art. 2**
- S. 250(2)-(5) applied (with modifications) (E.) (1.2.2002) by S.I. 2001/3966, **regs. 1**, 15(9)
- S. 250(2)-(5) applied (with modifications) (1.4.2002 for E., and 1.4.2002, 30.1.2003, 1.4.2004 and 7.7.2004 for W., for certain purposes) by 2000 c. 14, **ss. 10(5)**, 122; S.I. 2001/3852, **art. 3(7)(e)** (subject to transitional provisions in art. 3(2), Sch. 1 (as amended by S.I. 2001/4150, S.I. 2002/1493, S.I. 2002/1790, S.I. 2002/2001, S.I. 2002/3210, S.I. 2005/3397)); S.I. 2002/920, **art. 3(3)(a)** (subject

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- to transitional provisions in arts. 2, 3(2), Schs. 1-3); S.I. 2003/152, **art. 2**; S.I. 2004/1015, **art. 2**; S.I. 2004/1730, **art. 2**
- S. 250(2)-(5) applied by Greenham and Crookham Commons Act 2002 (c. i), **s. 36(2)** (with ss. 38, 39) (coming into force in accordance with s. 1(2)-(4) of the amending Act)
- S. 250(2)-(5) applied (with modifications) (W.) (19.8.2002) by S.I. 2002/2127, **regs. 15(9)**, 17
- S. 250(2)-(5) applied (with modifications) (1.4.2003) by S.I. 2003/164, **reg. 11(8)**
- S. 250(2)-(5) applied (with modifications) (31.12.2003) by S.I. 2003/3311, **reg. 28, Sch. 3 para. 4(5)**
- S. 250(2)-(5) applied (1.4.2004 for E.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **ss. 134(5)**, 199; S.I. 2004/759, **art. 3(1)**
- S. 250(2)-(5) applied (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **ss. 135(4)**, 199; S.I. 2004/759, **art. 4(2)(a)**
- S. 250(2)-(5) applied (22.7.2004) by Fire and Rescue Services Act 2004 (c. 21), **s. 56**
- S. 250(2)-(5) applied (with modifications) (2.8.2004) by S.I. 2004/1769, **reg. 17(2)(a)**
- S. 250(2)-(5) applied (with modifications) (15.11.2004) by Children Act 2004 (c. 31), **s. 4(7)**
- S. 250(2)-(5) applied (with modifications) (21.4.2005) by S.I. 2005/925, **reg. 34(3), Sch. 3 para. 4(5)(6)** (with **reg. 3**)
- S. 250(2)-(5) applied (1.10.2005) by Energy Act 2004 (c. 20), **ss. 95, 198(2), Sch. 16 para. 6(9)(a)**; S.I. 2005/877, **art. 2(2), Sch. 2**
- S. 250(2)-(5) applied (with modifications) (1.10.2005) by S.I. 2005/1905, **reg. 5(2)**
- S. 250(2)-(5) applied (with modifications) (1.10.2006 for E.) by S.I. 2006/2362, **reg. 33(12)**
- C500** S. 250(2)-(5) extended (1.11.1996) by 1996 c. 56, **ss. 507(2)**, 583(2) (with s. 1(4), Sch. 39)
- C501** S. 250(2) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**
- C502** S. 250(2)-(5) applied (with modifications) (13.2.2004 for E. and 31.5.2005 for W.) by 1981 c. 69, Sch. 15 para. 10A (as inserted by 2000 c. 37, **ss. 51, 103, Sch. 5 para. 11(8)**); S.I. 2004/292, **art. 2(d)(iii)** (with **art. 3(2)**); S.I. 2005/1314, **art. 2(a)(iii)**
- C503** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C504** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C505** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), **regs. 21, 22(a)(iv), Sch. 5 para. 6(1)**
- C506** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C507** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C508** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with **arts. 78, 80, 81**)
- C509** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **regs. 31(5), 62(5), Sch. 6 para. 5(6)** (with **reg. 72, Sch. 4**)
- C510** S. 250(2)-(5) applied (with modifications) (17.9.2009) by The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 (S.I. 2009/2301), **reg. 37(3), Sch. 3 para. 4(5)**
- C511** S. 250(2)-(5) applied (with modifications) (31.12.2009) by The Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009 (S.I. 2009/3130), **reg. 7(4), Sch. 1 para. 3(10)**
- C512** S. 250(2)-(5) applied (with modifications) by 1949 c. 97, Sch. 1A para. 13(3) (as inserted (12.11.2009 for certain purposes and 12.1.2010 otherwise) by 2009 c. 23, **ss. 302(2), 324(1)(2), Sch. 19** (with s. 308))
- C513** S. 250(2)-(5) applied (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), **ss. 29(4)**, 53(2); S.I. 2009/3272, **art. 3, Sch. 2**
- C514** S. 250(2)-(5) applied (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 70(3)**, 324(3) (with **ss. 76-81, 111**); S.I. 2011/556, **art. 3(2)(a)**

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- C515** S. 250(2)-(5) applied (with modifications) (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 161**, 324(3) (with **ss. 172(3)**, 185); S.I. 2011/556, **art. 3(2)(a)**
- C516** S. 250(2)-(5) applied (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), **regs. 1(2)**, **130(2)**, **Sch. 1 para. 4(3)** (with **reg. 125**)
- C517** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, **Sch. 1 para. 4(3)**
- C518** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C519** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C520** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, **Sch. 1 para. 26**
- C521** S. 250(3) applied (with modifications) by Mental Health Act 1983 (c. 20, SIF 85), **s. 125(2)** and by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, **Sch. 4 para. 4(1)**, **16(2)**  
S. 250(3) applied by Police Act 1964 (c. 48, SIF 95), **Sch. 5 para. 3(7)** as inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **s. 103(2)** and by Parliamentary Constituencies Act 1986 (c. 56, SIF 89), **ss. 6(5)(6)**, 9(2)  
S. 250(3) applied by S.I. 1987/2095, **art. 22** and by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 16(2)**, 24, 28, 42, 49, 54, 83, **Sch. 2 Pt. II para. 9(1)(a)**, **Sch. 7 para. 8(5)**  
S. 250(3) applied (21.7.1994) by 1994 c. xv, **s. 80(1)**
- C522** S. 250(3) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**
- C523** S. 250(3) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**
- C524** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C525** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C526** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), **regs. 21** 22(a)(iv), {**Sch. 5 para. 6(1)**}
- C527** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C528** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C529** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with **arts. 78**, 80, 81)
- C530** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **regs. 31(5)**, 62(5), **Sch. 6 para. 5(6)** (with **reg. 72**, **Sch. 4**)
- C531** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, {**Sch. 1 para. 4(3)**}
- C532** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C533** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C534** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, **Sch. 1 para. 26**
- C535** S. 250(4) applied (with modifications) by Mental Health Act 1983 (c. 20, SIF 85), **s. 125(2)**; and by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, **Sch. 4 paras. 4(1)**, **16(2)**; and by S.I. 1986/1858, **reg. 2**  
S. 250(4) applied (21.7.1994) by 1994 c. xv, **s. 80(1)(2)**  
S. 250(4) applied (with modifications) (1.2.2000) by S.I. 1999/3445, **regs. 1(1)**, **9(5)**
- C536** S. 250(4) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**



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- C537** S. 250(4)(5) applied (with modifications) (1.1.1993) by Transport and Works Act 1992 (c. 42), s. **11(6)**; S.I. 1992/2784, art. 2(a), **Sch. 1**
- C538** S. 250(4)(5) modified (3.7.2000) by 1990 c. 8, s. **252(6A)(a)(b)** (as inserted (3.7.2000) by 1999 c. 29, s. 270, Sch. 22 paras. 2, 7(9) (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- C539** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C540** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C541** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), regs. 21, 22(a)(iv), **Sch. 5 para. 6(1)**
- C542** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C543** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**
- C544** S. 250(2)-(5) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), **art. 69** (with arts. 78, 80, 81)
- C545** S. 250(2)-(5) applied (with modifications) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), regs. 31(5), 62(5), **Sch. 6 para. 5(6)** (with reg. 72, Sch. 4)
- C546** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, **Sch. 1 para. 4(3)**
- C547** S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C548** S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **ss. 113(9)(10)**, 241(8) (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)
- C549** S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **ss. 95(4)(5)**, 241(8) (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)
- C550** S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**
- C551** S. 250(2)-(5) applied (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 75(4)**, 170 (with s. 96); S.I. 2009/462, **art. 2**, Sch. 1 para. 26
- C552** S. 250(5) applied (with modifications) by Mental Health Act 1983 (c. 20, SIF 85), s. **125(2)**, by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch. 4 paras. 4(1), **16(2)** and S.I. 1986/1858, **reg. 2**  
S. 250(5) applied (1.6.1992) by Planning (Hazardous Substances) Act 1990 (c. 10, SIF 123:1), s. 21(8), **Sch. para. 6(8)**; S.I. 1992/725, **art. 3**  
S. 250(5) applied (21.7.1994) by 1994 c. xv, s. **80(1)**
- C553** S. 250(5) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), s. **3(5)** and extended (24.8.1990) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **ss. 322(2)**, 337(2) and Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9, SIF 123:1), ss. 22(4), 40(3), **Sch. 3 para. 6(8)**
- C554** S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**
- C555** S. 250(2)-(5) applied (with modifications) (1.5.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(2)**
- C556** S. 250(2)-(5) applied (24.6.2007) by The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), **regs. 21** 22(a)(iv), {Sch. 5 para. 6(1)}
- C557** S. 250(2)-(5) applied (with modifications) (W.) (28.9.2007) by The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), **reg. 29**
- C558** S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933), **reg. 31(10)**

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**C559** S. 250(2)-(5) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), **art. 69** (with arts. 78, 80, 81)

**C560** S. 250(2)-(5) applied (with modifications) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), regs. 31(5), 62(5), **Sch. 6 para. 5(6)** (with reg. 72, Sch. 4)

#### Marginal Citations

**M146** 1929 c. 17.

**M147** 1919 c. 75.

### General

#### 251 Consequential and minor modifications and amendments. **E+W**

- (1) Part I of Schedule 29 to this Act shall have effect for the purpose of making general adaptations of enactments, being adaptations which are consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in that Part, being modifications and amendments which are consequential on the foregoing provisions of this Act and minor amendments.

#### 252 General power to adapt Acts and instruments. **E+W**

- (1) Her Majesty may at any time, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in Council coming into force not earlier than 1st April 1974 make modifications of any enactments contained in any other public general Act passed before that date or any instrument made before that date under any such Act, being an instrument of a legislative character and not being an instrument in the nature of a local enactment, as may appear to Her to be necessary to make that enactment or instrument apply in relation to any particular class of new authority as it applies in relation to any particular class of local authority existing immediately before that date.
- (2) The modifications which may be made by an Order in Council under this section shall be in addition to those made by any other provision of this Act, but shall have effect subject to any such other modification, except those made by section 179 above.
- (3) No Order in Council shall be made under this section unless a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament.

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

**C561** S. 252 extended by [Value Added Tax Act 1983 \(c. 55, SIF 40:2\)](#), ss. 50, 51, **Sch. 10 para. 7** and by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, **Sch. 1 para 6** and [Building Act 1984 \(c. 55, SIF 15\)](#), s. 132, **Sch. 5 para. 3(d)**

#### 253 Transfer of powers of certain public bodies. **E+W**

- (1) Any functions of any such public body as is specified in subsection (2) below may with their approval be transferred by an order made by the Secretary of State to any

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local authority whose area comprises the district of that body, or jointly to two or more local authorities whose areas together comprise that district.

- (2) This section applies to the following public bodies, that is to say, any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, or for providing or maintaining a cemetery or market in any place.
- (3) Any order under this section may contain such incidental, consequential, transitional and supplementary provision as may appear to the Secretary of State to be necessary or proper; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “local authority” includes the Common Council.

#### 254 Consequential and supplementary provision. **E+W**

- (1) The Secretary of State or any appropriate Minister may at any time by order make such incidental, consequential, transitional or supplementary provision as may appear to him—
  - (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
  - (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act;and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) An order under this section may in particular include provision—
  - (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
  - (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of, any authority affected by this Act or any two or more bodies who include such an authority;
  - (c) for applying with or without modifications, or amending, repealing, or revoking, with or without savings, any provision of an Act passed or an instrument under an Act made before 1st April 1974 and for making savings or additional savings from the effect of any repeal made by this Act;
  - (d) for any of the matters specified in section 67 above;
  - (e) without prejudice to paragraph (d) above, for dissolving any body corporate established by any Act passed or by any instrument under an Act made before 1st April 1974;
  - (f) for requiring the council of a new county, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout any new district in the county is gradual, to issue as respects a limited period beginning on 1st April 1974 precepts specifying different amounts in the pound which are to be levied as rates for general county purposes on different parts of the new county (whether the whole or part of an existing county included therein or a county borough so included) and which are to be determined by reference to the circumstances of those parts before that date;

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- (g) for requiring, with that view and taking account of any requirements imposed by virtue of paragraph (f) above, the council of a new district to make and levy during a limited period beginning on 1st April 1974 differential rates determined by reference to the circumstances of existing rating areas wholly or partly included in the district;
  - (h) for treating anything duly done before 1st April 1974 by any authority in the exercise of functions which on and after that date become functions of some other authority as having, from that date, been duly done by that other authority and for treating any instrument made before that date, if or so far as it was made in the exercise of those functions, as continuing in force on and after that date until varied or revoked in the exercise of those functions by that other authority;
  - (i) for securing the continued discharge of functions in relation to the Confederation of the Cinque Ports and its courts (including so far as is necessary for that purpose, provision for the constitution of a body to replace any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to or in relation to the Confederation or any of its courts may continue to be done.
- (3) Subject to subsection (5) below any of the following things done or treated by virtue of any enactment as having been done by or to or in relation to an existing local authority outside Greater London in connection with the discharge of any of their functions, that is to say—
- any written agreement or other instrument in writing or any determination or declaration made or treated as made by such an authority,
  - any notice or direction given or treated as given by or to such an authority,
  - any licence, permission, consent, approval, exemption, dispensation or relaxation granted or treated as granted by or to such an authority,
  - any application, proposal or objection made or treated as made by or to such an authority,
  - any condition or requirement imposed or treated as imposed by or on such an authority, or
  - any appeal allowed by or in favour of or against such an authority,
- shall, as from 1st April 1974, be treated as having been done by, to or in relation to the new local authority by whom those functions become exercisable on and after that date by or by virtue of this Act, and any such thing shall as from that date have effect as if any reference therein to a specified existing local authority outside Greater London by whom those functions were exercisable before that date were a reference to the new local authority by whom those functions become exercisable.
- (4) If there is any doubt as to the identity of a local authority to whom any particular functions are so transferred, that authority shall be taken to be such authority as may be specified in a direction given by a Minister of the Crown concerned with the discharge of those functions.
- (5) Subsection (3) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State by statutory instrument.

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- (6) Section 68 above shall apply for the purposes of Parts I and II, section 214(1)(b) and this Part of this Act as if any reference to an order under Part IV of this Act included a reference to any provision of Part I or II of this Act or to section 214(1)(b) of this Act or to any provision of any instrument made under Part I or II or this Part of this Act.
- (7) A local authority to whom any charters or insignia of a borough abolished by Part I or II of this Act have been transferred by virtue of subsection (2)(a) above shall if practicable preserve them in the area of the borough as it existed immediately before 1st April 1974.
- (8) An order under this section which extends the area for which any local statutory provision is in force shall be provisional only.
- (9) Any statutory instrument containing any other order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

- C562** S. 254 amended by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 7 para. 7**
- C563** S. 254 extended by [Value Added Tax Act 1983 \(c. 55, SIF 40:2\)](#), ss. 50, 51, **Sch. 10 para. 7**, by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, **Sch. 1 para. 6** and [Building Act 1984 \(c. 55, SIF 15\)](#), 132, Sch. 5 para. 3(d)
- C564** S. 254 saved by [Water Act 1973 \(c. 37\)](#), **s. 35(2)**; extended by [Independent Broadcasting Authority Act 1973 \(c. 19\)](#), **s. 11(8)**; applied with modifications by [Water Act 1973 \(c. 37\)](#), **s. 34(1)**
- C565** S. 254(2)(c) extended by [Salmon and Freshwater Fisheries Act 1975 \(c. 51, SIF 52:2\)](#), **s. 42(6)**, by [Lotteries and Amusements Act 1976 \(c. 32, SIF 12:1\)](#), **s. 25(8)** and by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3, SIF 100:3\)](#), **s. 12(6)**

**255 Transfer of officers. E+W**

- (1) Any of the following instruments under any of the provisions of this Act, that is to say an order under section 9, 10, 11, 27, 28 or 29, regulations or an order under section 67 or an order under section 198, 200, 201 or 254 may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.
- (2) In the case of any person who on 31st March 1974 is in the employment of one or more local authorities who are or include a council or municipal corporation which ceases to exist by virtue of section 1 or 20 above, the Secretary of State shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 1 or 20, that person would apart from the order cease on 1st April 1974 to be in such employment, that person is transferred on 1st April 1974 to the employment of such local authority as may be specified in or determined under the order.
- (3) Any such order or regulations as is or are referred to in subsection (1) or (2) above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—
  - (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the

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order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and

- (b) the said new terms and conditions are such that—
  - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
  - (ii) the other terms and conditions of his employment,
 are not less favourable than those which he enjoyed immediately before the date of transfer.

(4) Subsections (2) and (3) above shall apply in relation to—

- (a) a police authority,
- (b) a burial board, joint burial board or joint committee which ceases to exist by virtue of section 214 above,
- (c) any prescribed association of local authorities the constituent members of which include councils falling within subsection (2) above, and
- (d) any prescribed association of committees of local authorities the constituent members of which include committees of councils falling within subsection (2) above,

as they apply in relation to a local authority who are a council which ceases to exist by virtue of section 1 or 20 above, but in their application to police authorities shall have effect as if any reference to a person in the employment of an authority were a reference to the civilian employees of a police authority.

(5) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 256 Continuity of employment in cases of voluntary transfer. **E+W**

(1) This section applies to a person if—

- (a) at some time before 1st April 1974, or on that date but otherwise than by virtue of provision made by an order under section 255 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and
- (b) had he continued until 1st April 1974 in the employment (in this section referred to as “his previous employment”) which he last held before he entered his new employment or (if he did so continue) had he then ceased to be in that employment by reason only of section 1 or 20 above, provision would have been made by an order under section 255(2) above for his transfer on that date to the employment of a specified local authority.

(2) Where this section applies to a person, then for the purposes of section 28 of the <sup>M148</sup>Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the <sup>M149</sup>Contracts of Employment Act 1972 (minimum periods of notice)—

- (a) the period of employment in his previous employment shall count as a period of employment in his new employment, and
- (b) the change of employment shall not break the continuity of the period of employment.

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#### Marginal Citations

M148 1971 c. 72.

M149 1972 c. 53.

### 257 Staff commission for England. **E+W**

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for England for the purpose of—
  - (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
  - (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and
  - (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a Passenger Transport Executive, police authority, burial board or joint burial board.

### 258 Staff commission for Wales. **E+W**

- (1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for Wales for the purpose of—
  - (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities, and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act;
  - (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State; and

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- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.
- (2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.
- (3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.
- (4) In this section “relevant authority” means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a police authority, burial board or joint burial board.

## 259 Compensation for loss of office. E+W

- (1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.
- (2) Regulations under this section may—
  - (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,
  - (b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,
  - (c) be framed so as to have effect from a date earlier than the making of the regulations,
 but so that regulations having effect from a date earlier than the date of their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.
- [<sup>F413</sup>(3) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to—
  - (a) the provisions of any such order as is referred to in section 326(1) of the <sup>M150</sup>Public Health Act 1936;
  - (b) an existing local authority ceasing, as respects the whole or any part of their area, to be a [<sup>F414</sup>food authority within the meaning of the Food Safety Act 1990];
  - [<sup>F415</sup>(c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act <sup>M151</sup>1936—



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[<sup>F416</sup>which are incorporated or reproduced in the Slaughterhouses Act 1974 or the Food Safety Act 1990];]

(d) the provisions of an order under section 46 of the <sup>M152</sup>Children and Young Persons Act 1969;

and, without prejudice to the repeal of any enactment by this Act, regulations making provision for any of the cases specified in paragraphs (a) to (d) above may provide that the provisions, as to compensation made for that case by section 326 of the <sup>M153</sup>Public Health Act 1936, <sup>F417</sup>. . . or, as the case may be, paragraph 2 of Schedule 3 to the <sup>M154</sup>Children and Young Persons Act 1969 shall not apply in relation to persons to whom the provisions of the regulations apply.]

(4) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who are or, but for any such service by them as may be prescribed, would be employees of any such association of local authorities or of committees of local authorities as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government effected by this Act; and, without prejudice to subsection (2) above, regulations under this section making any such provision may provide that any compensation paid under the regulations by the appropriate Minister shall be recoverable by him in accordance with the regulations from such association or other body as may be prescribed by or determined under the regulations.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F413** S. 259(3) substituted by Local Government Act 1974 (c. 7), s. 39

**F414** Words substituted by virtue of Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(a) (with s. 54)

**F415** S. 259(3)(c) substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134(a), Sch. 10 para. 23(b)

**F416** Words substituted for sub-paras. (i) and (ii) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(b) (with s. 54)

**F417** Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(c) (with s. 54)

#### Marginal Citations

**M150** 1936 c. 49.

**M151** 1936 c.49(100:1).

**M152** 1969 c. 54.

**M153** 1936 c. 49.

**M154** 1969 c. 54.

## 260 Provision for early retirement in lieu of compensation for loss of office. **E+W**

(1) In order to facilitate the early retirement of certain persons who might otherwise suffer such loss of employment or loss or diminution of emoluments as is referred to in section 259(1) above, any person who—

- (a) is the holder of any such office or is in any such employment as may be prescribed for the purposes of this subsection, and
- (b) attains or has attained the age of fifty on or before 31st March 1974, and
- (c) fulfils such other conditions as may be prescribed,

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may by notice given before the prescribed date and in the prescribed manner elect that this section shall, and that section 259 above shall not, apply to him.

- (2) Where any person has made an election under subsection (1) above, then unless, within the period of one month beginning on the day on which the notice of election is given, notice of objection to that election has been given to him by the body under whom he holds office or by whom he is employed, this section shall, and section 259 above shall not, apply to him on his retirement within the prescribed period and before attaining the normal retiring age.
- (3) Subject to subsection (4) below, the Secretary of State shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations to or in respect of a person to whom this section applies of benefits corresponding, as near as may be, to those which would have been paid to or in respect of that person under the relevant superannuation scheme if—
- (a) at the date of his retirement he had attained the normal retiring age; and
  - (b) the actual period of his reckonable service were increased by such period as may be prescribed, being a period not exceeding the period beginning on the date of his retirement and ending on the date on which he would attain the normal retiring age.
- (4) Regulations under subsection (3) above shall be so framed as to secure that the sums which would otherwise be payable under the regulations in accordance with that subsection to or in respect of any person are reduced to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.
- (5) Any sums payable under regulations made under subsection (3) above shall be treated for the purposes of section 73 of the <sup>M155</sup>Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid under section 259 above.
- (6) In this section—
- “normal retiring age” means—
- (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age, and
  - (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed;
- “reckonable service”, in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme; and
- “relevant superannuation scheme”, in relation to any person, means the instrument which is applicable in the case of his office or employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that office or employment.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

M155 1972 c. 41.

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## 261 Remuneration of employees of existing local authorities outside Greater London. **E+W**

- (1) For the purposes of this section the Secretary of State may designate such body appearing to him to be representative of local authorities as he considers appropriate (in this section referred to as “the advisory body”) to consider any increase made or proposed to be made by an existing local authority outside Greater London in the remuneration of any of their employees.
- (2) For the purpose of enabling them to carry out their functions under this section, the advisory body shall consult and seek information from new and existing local authorities outside Greater London; and, if requested to do so by the advisory body, the Secretary of State may give a direction to any such local authority requiring them to furnish to the advisory body such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of the local authority as may be so specified.
- (3) If it appears to the advisory body that an existing local authority outside Greater London has fixed or proposes to fix for any employee or class of employee of theirs a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees, they shall notify the local authority concerned and recommend to them the rate of remuneration which should be paid to the employee or class of employees concerned.
- (4) If it appears to the advisory body that an existing local authority outside Greater London to whom they have made a recommendation under subsection (3) above are not complying with that recommendation, then, after giving notice in writing to the local authority concerned of their intention to do so, they may refer the matter to the Secretary of State, and on such a reference the Secretary of State, after consultation with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned, may give a direction to that local authority requiring them, with effect from such date as may be specified in the direction (not being earlier than the date on which notice was given to them by the advisory body), to pay such employee or class of employees of theirs as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.
- (5) It shall be the duty of any local authority to whom a direction is given under subsection (2) or subsection (4) above to comply with the direction.
- (6) If at any time in the period of three months beginning on 1st April 1974 it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of an existing local authority outside Greater London was such that, if that authority had not ceased to exist, the advisory body would have made a recommendation to the authority under subsection (3) above or, having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above, they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employees or class of employees concerned immediately before 1st April 1974, or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the local authority concerned.

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- (7) On receiving a report under subsection (6) above the Secretary of State may, after such consultation as is specified in subsection (4) above, by order provide that, for the purposes of the provisions of this Act relating to transfer of officers and compensation for loss of office [<sup>F418</sup>or for the purposes of the provisions of the <sup>M156</sup>National Health Service Reorganisation Act 1973 relating to the transfer of officers and the provisions of section 24 of the <sup>M157</sup>Superannuation Act 1972 (which among other things relate to compensation for loss of office)], the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving, immediately before 1st April 1974 or such earlier date as may be specified in the report, remuneration at the rate stated in the report and specified in the order, but no order shall be made under this subsection after the end of September 1974.
- (8) Nothing in this section—
- (a) shall apply to the remuneration payable to teachers by local education authorities, or
  - (b) shall empower the Secretary of State to give a direction requiring a local authority to pay any employee, or to make an order deeming any employee to have been receiving remuneration at a rate below that to which he was entitled on 8th March 1972.

#### Textual Amendments

**F418** Words inserted by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), [Sch. 4 para. 152](#)

#### Marginal Citations

**M156** 1973 c. 32.

**M157** 1972 c. 11.

## 262 Local Acts and instruments. **E+W**

- (1) Subject to subsection (2) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—
- (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date;
  - (b) have effect subject to any necessary modifications and to the modifications made by subsections (3) to (5) below;
- but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.
- (2) Subsection (1) above shall have effect subject to the provisions of—
- (a) this Act, other than Part I of Schedule 29;
  - (b) any Act passed after this Act and before 1st April 1974; and
  - (c) any order made under section 254 above or the following provisions of this section.
- (3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public

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general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 1st April 1974 or to their area there were substituted a reference to the authority by whom those functions are exercisable on and after that date or, as the case may be, to so much of the area of the latter authority as comprises the area of the former authority or any part thereof.

- (4) In any local statutory provision to which this section applies and which does not fall within subsection (3) above—
- (a) for any reference to an existing county or its council there shall be substituted a reference to so much of the new county or counties as comprises the area of the existing county or any part thereof or, as the case may be, the council of that new county or the councils of those new counties;
  - (b) for any reference to an existing county borough or county district or the council of either there shall be substituted a reference to so much of the new district or districts as comprises the area of the existing borough or district or any part thereof or, as the case may be, the council of that new district or the councils of those new districts.
- (5) In any local statutory provision to which this section applies which has effect in an area in Wales and which does not fall within subsection (3) above—
- (a) for any reference to a rural parish there shall be substituted a reference to the corresponding community;
  - (b) for any reference to the council of any such parish which has a council, whether separate or common, there shall be substituted a reference to the council of the corresponding community; and
  - (c) for any reference to the parish meeting of any such parish which has no council there shall be substituted a reference to the council of the new district which comprises the corresponding community.
- (6) Subsections (3) to (5) above shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of any of those subsections where it would otherwise conflict with any provision of the order.
- (7) So much of any local statutory provision—
- (a) as confers functions on the Secretary of State with respect to the determination of tolls or other charges with respect to any fair, or
  - (b) as requires the submission to the Secretary of State of, or of proposals relating to, any scale of tolls or other charges with respect to any fair,
- shall cease to have effect.
- (8) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 254 above, the Secretary of State or any appropriate Minister may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—
- (a) extend the provision throughout the new local government area in which it is continued in force;
  - (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;

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- (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
  - (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
  - (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provision of this Act except section 254 above and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
  - (f) without prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.
- (9) All local statutory provisions to which this subsection applies shall cease to have effect in metropolitan counties at the end of 1979 and elsewhere at the end of 1984, but—
- (a) the Secretary of State or any appropriate Minister may by order exempt any such provision from the foregoing provision of this subsection;
  - (b) the Secretary of State may from time to time by order postpone the date on which all the local statutory provisions applying to the whole or part of any local government area, so far as they so apply, are to cease to have effect under this subsection.
- (10) An order under subsection (8) above which extends the area for which any local statutory provision is in force shall be provisional only.
- (11) An instrument containing any other order under subsection (8) above or an order under subsection (9) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) This section applies to any local statutory provision which is in force wholly outside Greater London (except in the Isles of Scilly) and so much of any local statutory provision which is in force partly in Greater London as is in force outside Greater London, being in either case a provision in force immediately before 1st April 1974 and not expressly repealed or revoked by this Act, and subsection (9) above applies to any such local statutory provision of the following descriptions—
- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
  - (b) a provision of an Act confirming a provisional order made on the application of a local authority;
  - (c) a provision of an order made on such an application which was subject to special parliamentary procedure;
- not being—
- (i) a provision by virtue of which functions are exercisable by a joint board continued in existence by virtue of section 263 below,
  - (ii) a provision relating to a statutory undertaking,

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- (iii) a provision relating to any person's status, or the right of any person to be admitted, as a freeman of any place or the rights of any person by virtue of any relationship or association with such a freeman,
- (iv) a protective provision for the benefit of any person, or
- (v) a provision contained in the <sup>M158</sup>Green Belt (London and Home Counties) Act 1938.

(13) In subsection (12) above “local authority” means—

- (a) the council of an administrative county, urban district or rural district;
- (b) the municipal corporation of a borough acting by the council of that borough;
- (c) any commissioners, trustees or other persons invested by any local Act with powers of town government or rating;
- (d) any local board constituted in pursuance of the <sup>M159</sup>Public Health Act 1848, the <sup>M160</sup>Local Government Act 1858, the <sup>M161</sup>Local Government (1858) Amendment Act 1861 or the <sup>M162</sup>Local Government Amendment Act 1863; or
- (e) without prejudice to the foregoing any body of persons constituted or designated as an urban or rural sanitary authority under the <sup>M163</sup>Public Health Act 1875;

and “statutory undertaking” means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any telephone undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power, <sup>F419</sup>. . . or district heating.

#### Textual Amendments

**F419** Word repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

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

**C566** [S. 262\(9\)](#) restricted by [Cornwall County Council Act 1984 \(c. xix\)](#), [ss. 1](#), [54\(4\)](#)

#### Marginal Citations

**M158** 1938 c. xciii.

**M159** 1848 c. 63.

**M160** 1858 c. 98.

**M161** 1861 c. 61.

**M162** 1863 c. 17.

**M163** 1875 c. 55.

## 263 Existing joint boards and committees and port health districts. **E+W**

- (1) Subject to the following provisions of this section, where an existing joint board, every constituent member of which is a local authority, was constituted by or under any enactment for exercising functions for any united district or other area (not being a port health district), then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the board shall continue to exist on and after 1st April 1974 and to exercise for that area the same functions as before that date (to the exclusion of new local authorities).
- (2) Subsection (1) above shall not apply to a joint board constituted for an area which on 1st April 1974 will be wholly within the area of a single new local authority if the board was constituted for the purpose of exercising functions which on and after

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that date would (apart from the existence of the board) be exercisable by that local authority, whether or not the board has additional functions which, apart from this section, would not be so exercisable; and accordingly in any such case—

- (a) the functions of the board shall on 1st April 1974 become functions of that new local authority; and
  - (b) the joint board shall cease to exist on that date.
- (3) Subject to the following provisions of this section, where a port health district was constituted by an order under Part I of the <sup>M164</sup>Public Health Act 1936 or an enactment replaced by that Part and an existing local authority or an existing joint board, every constituent member of which is a local authority, is the port health authority for that district, then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the district shall continue to exist as a port health district on and after 1st April 1974 and—
- (a) if on that date a single new local authority will become the riparian authority in relation to that district, then on that date that authority shall become the port health authority for that district and any existing joint board constituted for that district shall cease to exist; and
  - (b) if on that date two or more new local authorities will become riparian authorities in relation to that district then, if the existing port health authority is a joint board, that board shall continue to exist and to be the port health authority for that district, but otherwise the new local authority whose area comprises or, as the case may be, abuts on the greater part of that district shall be the port health authority for that district.
- (4) Any question as to which authority's area comprises or abuts on the greater part of a port health district shall be resolved by the Secretary of State.
- (5) Any existing joint committee constituted under section 91 of the 1933 Act or by or under any other enactment for the purpose of exercising functions for an area which on 1st April 1974 will lie within the areas of two or more new local authorities by whom those functions would apart from this subsection become exercisable on that date shall, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, continue to exist on and after that date as if appointed under Part VI of this Act by those new authorities and shall exercise those functions for the area for which the committee exercised them before that date, without prejudice, however, to the power of those new authorities to make different arrangements for the discharge of those functions under that Part.
- (6) The continuation in existence of any area or body by this section shall not prejudice any power conferred by any enactment to amend or revoke the order constituting the area or body or the power to make provision with respect to the body conferred by section 254 above.
- (7) Subsections (1) and (2) above shall not apply to any area wholly situated in Greater London or to a joint board for such an area, or to a joint planning board for a National Park, and subsections (3) and (4) above shall not apply to the Port of London.
- (8) The following provisions shall have effect for the construction of references to a local statutory provision to which section 262 above applies:—
- (a) any reference to an existing joint board which ceases to exist by virtue of this section, or any reference which is to be construed as such a reference, shall be construed as a reference to the local authority by whom the functions of that board will become exercisable by virtue of this section;



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- (b) any reference to a united district or other area the existing joint board for which ceases to exist by virtue of subsection (2) above, or any reference which is to be construed as such a reference, shall be construed as a reference to so much of the area of the new local authority by whom the functions formerly exercisable by the existing joint board become exercisable on 1st April 1974 as comprises the united district or other area for which the board acted; and
  - (c) any reference to an existing local authority whose functions as port health authority become exercisable on 1st April 1974 by virtue of subsection (3) above by a new local authority, or any reference which is to be construed as such a reference, shall be construed as a reference to that new local authority.
- (9) The foregoing provisions of this section shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

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

- C567** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))
- C568** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))
- C569** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))
- C570** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))
- C571** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))
- C572** S. 263(3)-(8) applied (with modifications) (29.12.2007) by [The Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), [art. 57](#) (with [arts. 78, 80, 81](#))

**Marginal Citations**

- M164** 1936 c. 49.

<sup>F420</sup>**264** ..... **E+W**

**Textual Amendments**

- F420** S. 264 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**265** **Application of Act to Isles of Scilly.** **E+W**

- (1) There shall continue to be a council for the Isles of Scilly to be known as the Council of the Isles of Scilly.
- (2) The Secretary of State may make an order providing for the constitution of the Council of the Isles of Scilly and otherwise for regulating the application of this Act to the Isles of Scilly and may on the application of the Council make an order providing for the exercise and performance there of any functions which are for the time being conferred or imposed on local authorities.

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- (3) Any order made under this section may—
- (a) apply to the Isles of Scilly any other public general Act relating to local government;
  - (b) provide for the contribution by the Isles of Scilly to Cornwall County Council in respect of costs incurred by the county council on matters specified in the order as benefiting the Isles of Scilly;
  - (c) provide for all matters which appear to the Secretary of State necessary or proper for carrying the order into effect.
- (4) Any order in force immediately before 1st April 1974 under section 292 of the 1933 Act (application of that Act to the Isles of Scilly) shall have effect as if made under this section and may be varied or revoked accordingly.

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

**C573** S. 265 extended by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 34(2)

[<sup>F421</sup>**265A**Application in relation to the Broads Authority. **E+W**]

- (1) Subject to subsections (2) and (3) below, the following provisions of this Act shall have effect as if the Broads Authority were a local authority and the Broads were its local government area—
- (a) section 70;
  - (b) sections 80(1)(a) and (2), 85, 92, 94 to 98, 99 and 100;
  - (c) sections 101 to 106;
  - (d) sections 111 to 119;
  - (e) sections 120 to 123 and 128 to 131;
  - (f) sections 135, 136, 139, 140, 140A, 140C, 143 and 144;
  - [ sections 153 and 173 to 177;] and
  - <sup>F422</sup>(g) sections 222, 223, 225, 228 to 234 and 239.
- (2) The Navigation Committee of the Broads Authority shall be treated, for the purposes of this Act and of any other enactment relating to the committees of local authorities (but subject to section 9 of the Norfolk and Suffolk Broads Act 1988), as a committee of the Authority appointed under section 102 of this Act.
- (3) Sections 120 to 123, 128 and 224 shall have effect as if the Authority were a principal council.]

**Textual Amendments**

**F421** S. 265A inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(1)**

**F422** S. 265A(1)(g) repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2), **Sch. 12 Pt. II**

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**266 Orders, rules and regulations. E+W**

- (1) Any power to make orders, rules or regulations conferred on any Minister or the Treasury by any provision of this Act other than section 261 above or paragraph 3 of Schedule 3 or paragraph 2 of Schedule 5 to this Act shall be exercisable by statutory instrument.
- (2) Any power to make an Order in Council or other order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

**267 Expenses. E+W**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

<sup>F423</sup>**268** ..... **E+W**

**Textual Amendments**

**F423** S. 268 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), s. 5(2), [Sch. 3 Pt. 1](#)

**269 Meaning of “England” and “Wales”. E+W**

In every provision of this Act other than sections 1 and 20 above, . . . <sup>F424</sup> “Wales”, subject to any alteration of boundaries made under section 62 above, means the area consisting of the counties established by the said section 20 and “England” does not include any area included in any of those counties.

**Textual Amendments**

**F424** Words repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), [Sch. 3](#)

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

**C574** S. 269 applied by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), s. 55(2), [Horticulture \(Special Payments\) Act 1974 \(c. 5\)](#), s. 6(4) and [Local Government Act 1974 \(c. 7\)](#), s. 34(2)

**270 General provisions as to interpretation. E+W**

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“appropriate Minister”, in relation to the making of an order or regulation or the giving of a direction with respect to any matter, means the Minister in charge of any Government department concerned with that matter; but the validity of any order, regulation or direction purporting to be made or given by any Minister by virtue of a power conferred on the appropriate Minister by

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this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

“bank holiday break” means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;

[<sup>F425</sup>“the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday;

“the City” means the City of London;

<sup>F426</sup>  
...

“Common Council” means the Common Council of the City;

“county”, without more, means, in relation to England, a metropolitan county or a non-metropolitan county [<sup>F427</sup>, but in the expression “county council”, “council of a county”, “county councillor” and “councillor of a county” means, in relation to England, a non-metropolitan county only:];

“district”, without more, means, in relation to England, a metropolitan district or a non-metropolitan district;

“Easter break” means the period beginning with the Thursday before and ending with the Tuesday after Easter Day;

“electoral area” means any area for which councillors are elected to any local authority;

<sup>F426</sup>  
...

“existing”, in relation to a local government or other area or a local authority or other body, except in sections 1 and 20 above, means that area or body as it existed immediately before the passing of this Act;

“financial year” means the period of twelve months ending with 31st March in any year;

“grouped”, in relation to a parish or community, means grouped by or by virtue of any provision of this Act or any previous corresponding enactment under a common parish or community council, and “grouping order” shall be construed accordingly;

[<sup>F428</sup>“joint authority” means an authority established by Part IV of the Local Government Act 1985;]

“land” includes any interest in land and any easement or right in, to or over land;

“local authority” means a county council, <sup>F429</sup>... a district council, a London borough council or a parish or community council;

“local government area” means—

(a) in relation to England, a county, Greater London, a district, a London borough or a parish;

(b) in relation to Wales, a county, district or community;

“local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act

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passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

“new”, in relation to any area or authority, means an area or authority established by or under this Act;

“1933 Act” means the <sup>M165</sup>Local Government Act 1933;

“1963 Act” means the <sup>M166</sup>London Government Act 1963;

[<sup>F430</sup>“open space” has the meaning assigned to it by [<sup>F431</sup>section 336(1) of the Town and Country Planning Act 1990];]

“prescribed” means prescribed by regulations made by the Secretary of State;

“principal area” means a [<sup>F432</sup>non-metropolitan county], a district or a London borough;

“principal council” means a council elected for a principal area;

“public body” includes—

- (a) a local authority and a joint board on which, and a joint committee on which, a local authority or parish meeting are represented;
- (b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place; and
- (c) any other authority having powers of levying or issuing a precept for any rate for public purposes;

and “district” means, in relation to a public body other than a local authority, the area for which the public body acts;

“special community review” means a review under paragraph 1 of Schedule 10 to this Act;

“specified papers”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith;

“the Temples” means the Inner Temple and the Middle Temple;

“Welsh Commission” has the meaning assigned to it by section 53 above.

- (2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “non-metropolitan county” means any county other than a metropolitan county, and the expression “non-metropolitan district” means any district other than a metropolitan district.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—
  - (a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough;

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- (b) any reference to the vice-chairman of the council or any such class of councils shall be construed as a reference to the deputy mayor of the borough; and
  - (c) any reference to the proper officer of the council or any such class of councils shall be construed as a reference to the proper officer of the borough.
- (5) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

#### Textual Amendments

- F425** Definition inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(9)**
- F426** Definitions of "the Commission" and "the English Commission" in s. 270(1) repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), **Sch. 4 Pt.II**; S.I. 1992/2371, **art. 2**
- F427** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 16 para. 8(a)**
- F428** Definition inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 34**
- F429** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F430** Words inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 123:1, 2\)](#), **Sch. 23 para. 20**
- F431** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 28(3)**
- F432** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 16 para. 8(b)**

#### Marginal Citations

- M165** 1933 c. 51.  
**M166** 1963 c. 33.

## 271 Savings. **E+W**

- (1) Nothing in this Act shall affect the boundary of the area—
- |   |                              |
|---|------------------------------|
| <p><sup>F433</sup>(a) .....</p> <p><sup>F434</sup>(b) .....</p> | <p><sup>F434</sup> .....</p> |
|---|------------------------------|
- (2) Nothing contained in, or done by virtue of, any provision of this Act other than section 253 or section 254(2)(b) shall affect the functions of the conservators of any common.
- (3) The provisions of Part I of this Act shall not affect the continuance of the Confederation of the Cinque Ports.
- (4) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal Prerogative.
- (5) Except as provided by Part X of this Act, nothing in this Act shall prejudice any right, duty or privilege of Her Majesty in right of the Duchy of Lancaster.

#### Textual Amendments

- F433** S. 271(1)(a) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), **Sch. 17 para. 35(1)**, **Sch. 18**

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**F434** S. 271(1)(b) and word immediately preceding it repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

## 272 Repeals. **E+W**

- (1) The enactments specified in Schedule 30 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.
- (2) Without prejudice to section 38(1) of the <sup>M167</sup>Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under section 252, 254, 255, 259, or 262 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

### Marginal Citations

M167 1889 c. 63.

## 273 Commencement. **E+W**

- (1) The provisions of this Act to which this subsection applies shall, except so far as brought into force earlier by an order under subsection (2) below, come into force on 1st April 1974.
- (2) The Secretary of State may by order appoint an earlier date for the coming into force of any provision to which subsection (1) above applies and different days may be appointed under this subsection for different purposes and, in particular, different days may be so appointed for the coming into force of the same provision in different areas.
- (3) Subsection (1) above applies to the following provisions of this Act, that is to say—
  - sections 13, 16(1) and (3) and 17;
  - section 40;
  - section 48(8) and (9);
  - section 50(4) to (7);
  - sections 53 to 59 and Schedule 8;
  - section 62;
  - section 75;
  - section 89(6);
  - section 100;
  - Parts VI to XI, except as provided by subsections (4) and (5) below;
  - section 251 and Schedule 29;
  - section 262(3) to (7);
  - section 272 and Schedule 30;
  - paragraphs 5 to 9 and 10(2) of Schedule 6;

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in Schedule 12, Parts II and III, and Part VI so far as applicable to parish councils.

(4) Subsection (1) above shall not apply to the following provisions of Parts VI to XI of this Act, that is to say—

- sections 104 and 106;
- section 110;
- section 117;
- section 138;
- section 169;
- section 181(3) to (9) and (11);
- so much of section 183 as confers a power to make or direct the making or amendment of development plan schemes and so much of section 182 as applies to the interpretation of the provisions relating to such schemes;
- section 186(6) and (7);
- section 190(4);
- section 192(3);
- section 196(6) to (9);
- section 197(2) and (3);
- section 198(3) and (4);
- section 200;
- section 201(3) and (4);
- section 202(4) to (8);
- section 205;
- section 207(2) to (8);
- section 215(4);
- section 220(4);
- section 232;
- section 242;
- section 243;
- paragraph 27(2) of Schedule 13 and so much of section 172 as relates thereto.

(5) Without prejudice to section 37 of the <sup>M168</sup>Interpretation Act 1889, any provision of Part IX or X of this Act—

- (a) which empowers or requires any person to make any arrangements or any instrument with respect to the exercise of functions under any such provision or with respect to the setting up of any body of persons or the appointment of persons to any office or employment with a view to exercising any such functions or with respect to the deployment of officers in connection with the exercise of such functions;
- (b) which empowers or requires any person to give directions, take steps or make representations with respect to any such arrangements or instrument; or
- (c) which amends or applies any enactment which empowers or requires any person to make any such arrangements or instrument;

shall come into force so as to enable those functions to be exercised in accordance with the arrangements or instrument on 1st April 1974.

(6) Sections 80 to 90, 92, 93, 104 and 106 above shall not apply to the Greater London Council or members of that council before the day on which the councillors of that



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council elected at the first ordinary elections of such councillors after the passing of this Act come into office.

- (7) Sections 80 to 90, 92, 104 and 106 above shall not apply to a London borough council or the members of any such council before 1st April 1974.
- (8) The following provisions shall have effect with respect to parish councils in England and the members of such councils:—
  - (a) sections 44(4) and 91 above shall not apply to them before 1st April 1974;
  - (b) sections 80 to 90, 92, 104 and 106 above shall not apply to them before the day on which parish councillors elected at those elections come into office; and
  - (c) sections 94 to 98 above shall not apply to them before 1st April 1974.
- (9) Part V of this Act shall not apply to existing parish councils in Wales or to members of such councils.
- (10) Sections 104 and 106 above shall not apply to members of the Common Council before the day on which any common councilmen elected at the first ordinary election of common councilmen after the passing of this Act come into office.

#### Marginal Citations

M168 1889 c. 63.

#### 274 Short title and extent. **E+W**

- (1) This Act may be cited as the Local Government Act 1972.
- (2) Except for <sup>F435</sup> . . . , paragraph 35 of Schedule 29 to this Act <sup>F435</sup> . . . , this Act shall not extend to Scotland.
- (3) <sup>F435</sup> . . . , this Act shall not extend to Northern Ireland.

#### Textual Amendments

**F435** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), s. 5(2), [Sch. 3 Pt. I](#)

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## SCHEDULES

### SCHEDULE 1 E+W

Section 1.

#### COUNTIES AND METROPOLITAN DISTRICTS IN ENGLAND

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

**C575** By [The Uncertificated Securities \(Amendment\) \(Eligible Debt Securities\) Regulations 2003 \(S.I. 2003/1633\)](#), [reg. 15](#), [Sch. 2 para. 17](#) it is provided (24.6.2003) that the reference in Sch. 1 para. 6 to "other securities so transferable" shall include a reference to uncertificated units of eligible debt securities

SCHEDULE 1 COUNTIES AND METROPOLITAN DISTRICTS IN ENGLAND PART I METROPOLITAN COUNTIES AND METROPOLITAN DISTRICTS	
(1) Name of county	(2) Area by reference to existing administrative areas
Greater Manchester	<p><i>District (a)</i> The county borough of Wigan. In the administrative county of Lancaster— the borough of Leigh; the urban districts of Abram, Aspull, Atherton, Hindley, Ince-in-Makerfield, Orrell, Standish-with-Langtree and Tyldesley; the urban district of Ashton-in-Makerfield, except the ward in Merseyside; the urban district of Golborne, except the wards in Cheshire; in the urban district of Billinge-and-Winstanley, the Billinge Higher End ward and the Winstanley ward except the detached parts; in the rural district of Wigan, the parishes of Haigh, Stevington and Worthington.</p> <p><i>District (b)</i> The county borough of Bolton. In the administrative county of Lancaster— the borough of Farnworth; the urban districts of Blackrod, Horwich, Kearsley, Little Lever and Westhoughton; in the urban district of Turton, the Bradshaw North, Bradshaw South, Bromley Cross and Bagley wards and so much of the Egerton ward as lies south of the boundary referred to in paragraph 3 of Part III of this Schedule.</p> <p><i>District (c)</i> The county borough of Bury. In the administrative county of Lancaster— the boroughs of Prestwich and Radcliffe; the urban districts of Tottington and Whitefield; in the urban district of Ramsbottom, the Central, East, South and West wards.</p> <p><i>District (d)</i> The county borough of Rochdale. In the administrative county of Lancaster— the boroughs of Heywood and Middleton; the urban districts of Littleborough, Milnrow and Wardle.</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
Greater Manchester— cont.	<p><i>District (e)</i> The county borough of Salford. In the administrative county of Lancaster— the boroughs of Eccles and Swinton and Pendlebury; the urban districts of Irlam and Worsley.</p> <p><i>District (f)</i> The county borough of Manchester. In the administrative county of Chester, in the rural district of Bucklow, the parish of Ringway.</p> <p><i>District (g)</i> The county borough of Oldham. In the administrative county of Lancaster, the urban districts of Chadderton, Crompton, Failsworth, Lees and Royton. In the administrative county of Yorkshire, West Riding, the urban district of Saddleworth.</p> <p><i>District (h)</i> In the administrative county of Chester— the boroughs of Altrincham and Sale; the urban districts of Bowdon and Hale; in the rural district of Bucklow, the parishes of Carrington, Dunham Massey, Partington and Warburton. In the administrative county of Lancaster— the borough of Stretford; the urban district of Urmston.</p> <p><i>District (j)</i> The county borough of Stockport. In the administrative county of Chester, the urban districts of Breckbury and Romiley, Cheadle and Gatley, Hazel Grove and Bramhall and Marple.</p> <p><i>District (k)</i> In the administrative county of Chester— the boroughs of Dukinfield, Hyde and Sialy- bridge; the urban district of Longdendale. In the administrative county of Lancaster— the boroughs of Ashton-under-Lyne and Mosley; the urban districts of Audenshaw, Denton and Droylsden.</p>

(1) Name of county	(2) Area by reference to existing administrative areas
Merseyside ...	<p><i>District (a)</i> The county boroughs of Bootle and Southport. In the administrative county of Lancaster— the borough of Crosby; the urban districts of Formby and Litherland; in the rural district of West Lancashire, the parishes of Aintree, Ince Blundell, Maghull, Melling, Netherton, Sefton and Thornton, so much of the parish of Altcar as lies west of the line for the time being of the centre of the Downholland Brook, and so much of the parish of Lydiate as lies south of the line for the time being of the centre of the Lydiate Brook, the north channel being taken where the Brook divides.</p> <p><i>District (b)</i> The county borough of Liverpool.</p> <p><i>District (c)</i> The county borough of St. Helens. In the administrative county of Lancaster— the urban districts of Haydock, Newton-le- Willows and Rainford; the urban district of Billings-and-Winstanley except the areas in Greater Manchester; in the urban district of Ashton-in-Makerfield, the South ward; in the rural district of Whiston, the parishes of Eccleston, Rainhill and Windle, and the parish of Bold, except the area in Cheshire.</p> <p><i>District (f)</i> In the administrative county of Lancaster— the urban districts of Huyton-with-Roby, Kirkby and Prescott; the rural district of Whiston except the areas in district (c) and Cheshire; in the rural district of West Lancashire, the parish of Simonswood.</p> <p><i>District (e)</i> The county boroughs of Birkenhead and Wallasey. In the administrative county of Chester— the borough of Bebington; the urban districts of Hoylake and Wirral.</p>
South Yorkshire ...	<p><i>District (a)</i> The county borough of Barnsley. In the administrative county of Yorkshire, West Riding— the urban districts of Cudworth, Darfield, Darton, Dearne, Dodworth, Hoyland Nether, Penistone, Reyston, Wombwell and Worsbrough; the rural district of Penistone; in the rural district of Hemsworth, the parishes of Billingley, Brierley, Great Houghton, Little Houghton and Shafton;</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
South Yorkshire— cont.	<p>in the rural district of Wortley, the parishes of Tankersley and Wortley.</p> <p><i>District (b)</i> The county borough of Doncaster. In the administrative county of Yorkshire, West Riding— the urban districts of Adwick le Street, Bentley with Arksey, Conisbrough, Mexborough and Tickhill; the rural districts of Doncaster and Thorne. In the administrative county of Nottinghamshire— in the rural district of East Retford, the parish of Finningley; in the rural district of Worksop, in the parish of Harworth, the North ward, so much of the East ward as lies east and north of Ordnance Survey parcels 480, 4749, 5136 and 8630, and the detached part of the West ward which includes the hamlet of Hesley.</p> <p><i>District (c)</i> The county borough of Sheffield. In the administrative county of Yorkshire, West Riding— the urban district of Stocksbridge; in the rural district of Wortley, the parishes of Bradfield and Ecclesfield.</p> <p><i>District (d)</i> The county borough of Rotherham. In the administrative county of Yorkshire, West Riding— the urban districts of Maltby, Rawmarsh, Swinton and Wath upon Dearne; the rural districts of Kiveton Park and Rotherham.</p>
Tyne and Wear ...	<p><i>District (a)</i> The county borough of Newcastle upon Tyne. In the administrative county of Northumberland— the urban districts of Gosforth and Newburn; in the rural district of Castle Ward, the parishes of Brunswick, Dinnington, Hazlerigg, North Gosforth and Woolington; the Moot Hall and Precincts, Newcastle upon Tyne.</p> <p><i>District (b)</i> The county borough of Tynemouth. In the administrative county of Northumberland— the borough of Wallsend; so much of the borough of Whitley Bay as lies south of the boundary referred to in paragraph 4 of Part III of this Schedule; the urban district of Longbenton; in the urban district of Seaton Valley, the wards of Backworth, Earsdon and Shiremoor.</p>

(1) Name of county	(2) Area by reference to existing administrative areas
Tyne and Wear— cont.	<p><i>District (c)</i> The county borough of Gateshead. In the administrative county of Durham— the urban districts of Blaydon, Felling, Ryton and Whickham; in the rural district of Chester-le-Street, the parish of Lamesley and the parish of Birtley except the part in district (e).</p> <p><i>District (d)</i> The county borough of South Shields. In the administrative county of Durham— the borough of Jarrow; the urban districts of Boldon and Hebburn.</p> <p><i>District (e)</i> The county borough of Sunderland. In the administrative county of Durham— the urban districts of Hetton, Houghton-le-Spring and Washington; in the rural district of Chester-le-Street, so much of the parishes of Birtley, Harraton and South Biddick as lie within the designated area of Washington New Town and also so much of the said parish of Harraton as lies west of that designated area and north of the boundary referred to in paragraph 5 of Part III of this Schedule; in the rural district of Easington, the parishes of Barton and Warden Law.</p>
West Midlands ...	<p><i>District (a)</i> The county borough of Wolverhampton.</p> <p><i>District (b)</i> The county borough of Walsall. In the administrative county of Staffordshire, the urban district of Aldridge-Brownhills.</p> <p><i>District (c)</i> The county borough of Dudley. In the administrative county of Worcestershire, the boroughs of Halesowen and Stourbridge.</p> <p><i>District (d)</i> The county boroughs of Warley and West Bromwich.</p> <p><i>District (e)</i> The county borough of Birmingham. In the administrative county of Warwickshire, the borough of Sutton Coldfield.</p> <p><i>District (f)</i> The county borough of Solihull. In the administrative county of Warwickshire— in the rural district of Meriden, the parishes of Balsall, Barston, Berkswell, Bickenhill, Castle Bromwich, Chelmsley Wood, Fordridge, Hampton in Arden, Kingshurst and Meriden; in the rural district of Stratford-on-Avon, the parish of Hockley Heath.</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
West Midlands —cont.	<i>District (g)</i> The county borough of Coventry. In the administrative county of Warwickshire, in the rural district of Meriden, the parishes of Allesley and Keresley.
West Yorkshire ...	<i>District (a)</i> The county borough of Bradford. In the administrative county of Yorkshire, West Riding— the borough of Keighley; the urban districts of Baildon, Bingley, Denholme, Ilkley, Shipley and Silsden; the urban district of Queensbury and Shelf, except the wards in district (c); in the rural district of Skipton, the parishes of Addingham, Kildwick and Steeton with Eastburn.  <i>District (b)</i> The county borough of Leeds. In the administrative county of Yorkshire, West Riding— the boroughs of Morley and Pudsey; the urban districts of Aireborough, Garforth, Hunsforth, Odsley and Rothwell; in the rural district of Ldceaster, the parishes of Aberford, Austhorpe, Barwick in Elmet and Scholes, Great and Little Preston, Ledsam, Letchford, Lofthorpe cum Aberford, Mickfield, Parlington, Sturton Grange and Swillington; in the rural district of Wetherby, the parishes of Bardsley cum Rigg, Boston Spa, Bramham cum Oglethorpe, Clifford, Collingham, East Keswick, Harewood, Scarcroft, Thorne, Thorp Arch, Walton, Wetherby and Wothersome; in the rural district of Wharfedale, the parishes of Arthington, Bramhope, Carlton and Pool.  <i>District (c)</i> The county borough of Halifax. In the administrative county of Yorkshire, West Riding— the boroughs of Brighouse and Todmorden; the urban districts of Elland, Hebden Royd, Ripponden and Sowerby Bridge; in the urban district of Queensbury and Shelf, the wards of Shelf East and Shelf West; the rural district of Hepton.  <i>District (d)</i> The county boroughs of Dewsbury and Huddersfield. In the administrative county of Yorkshire, West Riding— the boroughs of Batley and Spenborough;

(1) Name of county	(2) Area by reference to existing administrative areas
West Yorkshire— cont.	the urban districts of Colne Valley, Denby Dale, Heckmondwike, Holmfirth, Kirkburton, Melham and Mirfield.  <i>District (e)</i> The county borough of Wakefield. In the administrative county of Yorkshire, West Riding— the boroughs of Castleford, Ossett and Pontefract; the urban districts of Featherstone, Hensworth, Horbury, Knottingley, Normanton and Stanley; the rural district of Wakefield; the rural district of Hensworth, except the parishes in North Yorkshire and South Yorkshire; in the rural district of Osgoldcross, the parishes of Darrington and East Hardwick.

PART II  
 NON-METROPOLITAN COUNTIES

(1) Name of county	(2) Area by reference to existing administrative areas
Avon ... ..	The county boroughs of Bath and Bristol. In the administrative county of Gloucestershire— the urban districts of Kingswood and Mangotsfield; the rural district of Warmley; the rural district of Sodbury, except the parish of Alderley; the rural district of Thornbury, except the parishes of Alkington, Berkeley, Ham and Stone, Hamfallow and Hinton. In the administrative county of Somerset— the borough of Weston-super-Mare; the urban districts of Clevedon, Keynsham, Norton-Radstock and Portishead; the rural districts of Bathavon and Long Ashton; in the rural district of Axbridge, the parishes of Banwell, Bleadon, Butcombe, Churchill, Congresbury, Hutton, Kewstoke, Locking, Puxton, Wick St. Lawrence, Winscombe and Wrington, so much of the parish of Loxton as lies north of the line for the time being of the centre of the river Axe and so much of the parishes of Blagdon and Burrington as lies north of the boundary referred to in paragraph 6 of Part III of this Schedule; in the rural district of Clutton, the parishes of Cameley, Chelwood, Chew Magna, Chew Stoke, Clutton, Farmborough, Farrington

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(1) Name of county	(2) Area by reference to existing administrative areas
Avon—cont.	Gurney, High Littleton, Hinton Blewett, Nempnett Turbwell, Norton Malgward, Paulton, Pablow, Stanton Drew, Stovey-Sutton and Tinsbury and so much of the parishes of East Hartree, West Hartree, Compton Martin and Ubley as lies north of the boundary referred to in paragraph 6 of Part III of this Schedule; the unannexed area adjacent to the urban district of Keynham; Steep Holme Island.
Bedfordshire ...	The county borough of Luton. The administrative county of Bedford.
Berkshire ...	The county borough of Reading. The administrative county of Berkshire, except the areas in Oxfordshire. In the administrative county of Buckingham— the borough of Slough; the urban district of Eton; in the rural district of Eton, the parishes of Datchet, Harton and Wraybury, the Bretwell ward of the parish of Burnham and so much of the parish of Wexham as lies south of the boundary referred to in paragraph 7 of Part III of this Schedule.
Buckinghamshire...	The administrative county of Buckingham, except the areas in Berkshire.
Cambridgeshire ...	The administrative counties of Cambridgeshire and Isle of Ely and Huntingdon and Peterborough.
Cheshire ...	The county boroughs of Chester and Warrington. The administrative county of Chester, except the areas in Derbyshire, Greater Manchester and Merseyside. In the administrative county of Lancaster— the borough of Widnes; in the urban district of Golborne, the wards of Culbeth and Newchurch; the rural district of Warrington; in the rural district of Whiston, the parish of Hale and so much of the parish of Bold as lies within the designated area of Warrington New Town.
Cleveland ...	The county boroughs of Hartlepool and Teesside. In the administrative county of Durham, the rural district of Stockton. In the administrative county of Yorkshire, North Riding— the urban districts of Guisborough, Loftus, Saltburn and Mablethorpe-by-the-Sea and Skelton and Brotton;

(1) Name of county	(2) Area by reference to existing administrative areas
Cleveland—cont.	in the rural district of Stokesley, the parishes of Castlelevington, Hilton, Ingleby Barwick, Kirklevington, Malby, Nunthorpe and Yarm.
Cornwall ...	The administrative county of Cornwall.
Cumbria ...	The county boroughs of Barrow-in-Furness and Carlisle. The administrative counties of Cumberland and Westmorland. In the administrative county of Lancaster— the urban districts of Dalton-in-Furness, Grange and Ulverston; the rural district of North Lonsdale. In the administrative county of Yorkshire, West Riding, the rural district of Sedburgh.
Derbyshire ...	The county borough of Derby. The administrative county of Derbyshire. In the administrative county of Chester, the rural district of Tintwistle.
Devon ...	The county boroughs of Exeter, Plymouth and Torbay. The administrative county of Devon.
Dorset ...	The county borough of Bournemouth. The administrative county of Dorset. In the administrative county of Hampshire— the borough of Christchurch; in the rural district of Ringwood and Fordbridge, the parishes of Hurn and St. Leonards and St. Ives, so much of the parish of Christchurch East as lies west of the boundary referred to in paragraph 8 of Part III of this Schedule and so much of the parish of Sopley as lies west of the boundary referred to in paragraph 9 of Part III of this Schedule.
Durham ...	The county borough of Darlington. The administrative county of Durham, except the areas in Cleveland and Tyne and Wear. In the administrative county of Yorkshire, North Riding, the rural district of Sturtforth.
East Sussex ...	The county boroughs of Brighton, Eastbourne and Hastings. The administrative county of East Sussex, except the areas in West Sussex.
Essex ...	The county borough of Southend-on-Sea. The administrative county of Essex.
Gloucestershire ...	The county borough of Gloucester. The administrative county of Gloucestershire, except the areas in Avon.

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(1) Name of county	(2) Area by reference to existing administrative areas
Hampshire ...	The county boroughs of Portsmouth and Southampton. The administrative county of Hampshire, except the areas in Dorset.
Hereford and Worcester	The county borough of Worcester. The administrative county of Herefordshire. The administrative county of Worcestershire, except the boroughs in West Midlands.
Hertfordshire ...	The administrative county of Hertfordshire.
Humberside ...	The county boroughs of Grimsby and Kingston upon Hull. The administrative county of Yorkshire, East Riding, except the areas in North Yorkshire. In the administrative county of Lincoln, Parts of Lindsey— the boroughs of Cleethorpes and Scunthorpe; the urban districts of Barton-upon-Humber and Brigg; the rural districts of Glanford Brigg, Grimsby and Isle of Axholme; In the administrative county of Yorkshire, West Riding— the borough of Goole; the rural district of Goole.
Isle of Wight ...	The administrative county of Isle of Wight.
Kent ...	The county borough of Canterbury. The administrative county of Kent.
Lancashire ...	The county boroughs of Blackburn, Blackpool, Burnley and Preston. The administrative county of Lancaster, except the areas in Cheshire, Cumbria, Greater Manchester and Merseyside. In the administrative county of Yorkshire, West Riding— the urban districts of Barnoldswick and Earby; the rural district of Bowland; in the rural district of Skipton, the parishes of Bracewell, Brogden and Salforth.
Leicestershire ...	The county borough of Leicester. The administrative counties of Leicestershire and Rutland.
Lincolnshire ...	The county borough of Lincoln. The administrative counties of Lincoln, Parts of Holland and Lincoln, Parts of Kesteven. The administrative county of Lincoln, Parts of Lindsey, except the areas in Humberside.

(1) Name of county	(2) Area by reference to existing administrative areas
Norfolk ...	The county boroughs of Great Yarmouth and Norwich. The administrative county of Norfolk. In the administrative county of East Suffolk, in the rural district of Lothingland, the parishes of Belton, Bradwell, Burgh Castle, Fritton and Hopton-on-Sea, so much of the parish of Herringfleet as lies north of the boundary referred to in paragraph 10 of Part III of this Schedule and so much of the parish of Cotton as lies north of the boundary referred to in paragraph 11 of that Part.
North Yorkshire ...	The county borough of York. The administrative county of Yorkshire, North Riding, except the areas in Cleveland and Durham. In the administrative county of Yorkshire, East Riding— the urban districts of Filey and Norton; the rural districts of Derwent and Norton; in the rural district of Bridlington, the parishes of Folkton, Hummanby, Muston and Beighton. In the administrative county of Yorkshire, West Riding— the boroughs of Harrogate and Ripon; the urban districts of Knaresborough, Selby and Skipton; the rural districts of Nidderdale, Ripon and Pateley Bridge, Selby and Settle; the rural districts of Osgoldcross, Tadcaster, Wetherby and Wharfedale, except the parishes in West Yorkshire; the rural district of Skipton, except the parishes in Lancashire and West Yorkshire; in the rural district of Hemsworth, the parishes of Kirk Smeaton, Little Smeaton and Walden Stubbs.
Northamptonshire	The county borough of Northampton. The administrative county of Northamptonshire.
Northumberland ...	The administrative county of Northumberland, except the areas in Tyne and Wear.
Nottinghamshire ...	The county borough of Nottingham. The administrative county of Nottinghamshire, except the areas in South Yorkshire.
Oxfordshire ...	The county borough of Oxford. The administrative county of Oxford. In the administrative county of Berkshire— the boroughs of Abingdon and Wallingford; the urban district of Wantage; the rural districts of Abingdon, Faringdon and Wallingford;

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(1) Name of county	(2) Area by reference to existing administrative areas
Oxfordshire— <i>cont.</i>	in the rural district of Wantage, the parishes of Ardington, Blewbury, Childrey, Chilton, Donchworth, East Challow, East Hanney, East Hendred, Grosey, Grove, Harwell, Letcombe Bassett, Letcombe Regis, Lockinge, Sparsholt, Upton, West Challow, West Hanney and West Hendred.
Salop ... ..	The administrative county of Salop.
Somerset ... ..	The administrative county of Somerset, except the areas in Avon.
Staffordshire ... ..	The county boroughs of Burton upon Trent and Stoke-on-Trent. The administrative county of Staffordshire, except the urban district in West Midlands.
Suffolk ... ..	The county borough of Ipswich. The administrative county of East Suffolk, except the areas in Norfolk. The administrative county of West Suffolk.
Surrey ... ..	The administrative county of Surrey, except the areas in West Sussex.
Warwickshire ... ..	The administrative county of Warwickshire, except the areas in West Midlands.
West Sussex ... ..	The administrative county of West Sussex. In the administrative county of East Sussex— the urban districts of Burgess Hill, Cuckfield and East Grinstead; the rural district of Cuckfield. In the administrative county of Surrey, in the rural district of Dorking and Horley, the parish of Charlwood, except the detached part, and so much of the parish of Horley as lies south of the boundary referred to in paragraph 12 of Part III of this Schedule.
Wiltshire ... ..	The administrative county of Wiltshire.

### PART III **E+W**

#### RULES AS TO BOUNDARIES

- 1 The boundaries of the new local government areas shall be mered by Ordnance Survey.
- 2 Any such boundary defined on the map annexed to any order under Part VI of the 1933 Act or Part II of the <sup>M169</sup>Local Government Act 1958 or section 6 of the 1963 Act by reference to proposed works shall, if the works have not been executed at the time of the completion of the first survey made after the passing of this Act for a new edition of Ordnance Survey large-scale plans including that boundary, be mered as if the boundary had not been so defined.

#### Marginal Citations

**M169** 1958 c. 55.

- 3 The boundary dividing the Egerton ward of the urban district of Turton referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of Delph Brook to the end of the Reservoir Dam, thence to Blackburn Road north of Moss Cottages and thence north-eastwards to the ward boundary.
- 4 The boundary dividing the borough of Whitley Bay referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the access road to Hartley West Farm, Hartley Lane, West End, the northern boundaries of Ordnance Survey parcels 0057, 2657 and 4156 and thence north-eastwards to the boundary of the borough.
- 5 The boundary in the parish of Harraton referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the link road C8 between Western Highway and Vigo Lane.
- 6 The boundary dividing the parishes of East Harptree, West Harptree, Compton Martin, Ubley, Blagdon and Burrington referred to in Part II of this Schedule shall



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- be such as the Secretary of State may by order determine generally between the 500 ft. and 800 ft. contours on the northern slopes of the Mendip Hills to the vicinity of Burrington Camp and thence westwards to the boundary of the parish of Burrington.
- 7 The boundary dividing the parish of Wexham referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the northern and eastern boundaries of Wexham Hospital, Wexham Park Lane, the eastern and southern boundaries of Ordnance Survey parcels 49, 48a, 31, 32, 33, 15, 14 and 13, Church Lane and Uxbridge Road south-westwards from Church Lane.
- 8 The boundary dividing the parish of Christchurch East referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line from the neighbourhood of Barrett's Copse to the River Mude in the neighbourhood of Waterhouse Farm and thence along that river downstream to the parish boundary.
- 9 The boundary dividing the parish of Sopley referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the River Avon.
- 10 The boundary dividing the parish of Herringfleet referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of Blocka Lane, Blocka Road, Herringfleet Road, the southern boundaries of Ordnance Survey parcels 105B, 80, 77 and 78, and thence to the parish boundary.
- 11 The boundary dividing the parish of Corton referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of an extension eastwards of the southern boundary of the parish of Hopton-on-Sea.
- 12 The boundary dividing the parish of Horley referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the River Mole, Burstow Stream, the railway from Horley to Earlswood and Crossoak Lane.

#### PART IV **E+W**

##### DIVIDED PARISHES

- 1 The following areas shall be parishes, that is to say—
- (a) the part of the existing parish of Altcar in Lancashire;
  - (b) the part of the existing parish of Altcar in Merseyside;
  - (c) the part of the existing parish of Birtley in district (c) in Tyne and Wear;
  - (d) the part of the existing parish of Blagdon in Avon;
  - (e) the part of the existing parish of Bold in Merseyside;
  - (f) the part of the existing parish of Burnham in Berkshire;
  - (g) the part of the existing parish of Burnham in Buckinghamshire;
  - (h) the part of the existing parish of Burrington in Avon;
  - (i) the parts of the existing parishes of Charlwood and Horley in Surrey;
  - (j) the part of the existing parish of Charlwood in West Sussex;
  - (k) the part of the existing parish of Christchurch East in Dorset;

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- (l) the part of the existing parish of Christchurch East in Hampshire;
  - (m) the part of the existing parish of Compton Martin in Avon;
  - (n) the part of the existing parish of Corton in Suffolk;
  - (o) the part of the existing parish of East Harptree in Avon;
  - (p) the part of the existing parish of Harraton in Durham;
  - (q) the part of the existing parish of Harworth in Nottinghamshire;
  - (r) the part of the existing parish of Herringfleet in Suffolk;
  - (s) the part of the existing parish of Horley in West Sussex;
  - (t) the part of the existing parish of Loxton in Avon;
  - (u) the part of the existing parish of Lydiate in Merseyside;
  - (v) the part of the existing parish of Sopley in Hampshire;
  - (w) the part of the existing parish of South Biddick in Durham;
  - (x) the part of the existing parish of Ubley in Avon;
  - (y) the part of the existing parish of West Harptree in Avon;
  - (z) the part of the existing parish of Wexham in Berkshire; and
  - (za) the part of the existing parish of Wexham in Buckinghamshire.
- 2 (1) The part of the existing parish of Bold in Cheshire shall be added to the parish of Great Sankey.
- (2) The parts of the existing parishes of Blagdon, Burrington, Compton Martin, East Harptree, Ubley and West Harptree in Somerset shall be added to the parish of Priddy.
- (3) The part of the existing parish of Corton in Norfolk shall be added to the parish of Hopton-on-Sea.
- (4) The part of the existing parish of Harworth in South Yorkshire shall be added to the parish of Bawtry.
- (5) The part of the existing parish of Herringfleet in Norfolk shall be added to the parish of Fritton.
- (6) The part of the existing parish of Loxton in Somerset shall be added to the parish of East Brent.
- (7) The part of the existing parish of Lydiate in Lancashire shall be added to the parish of Downholland.
- (8) The part of the existing parish of Sopley in Dorset shall be added to the parish of Hurn.
- 3 The parts of the existing parishes of Birtley, Harraton and South Biddick in district (e) in Tyne and Wear shall cease to be in any parish.
- 4 Paragraphs 1 to 3 above shall not prevent any existing rural parish from continuing to exist as such until 1st April 1974.

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**PART V E+W**

CONSTITUTION OF PARISHES BY REFERENCE TO  
EXISTING URBAN DISTRICT AND BOROUGH BOUNDARIES

- 1 (1) The English Commission shall consult the councils of existing counties, boroughs and urban districts and the committees established under section 264(1)(b) above with a view to making proposals to the Secretary of State for the constitution of parishes each of which has a boundary coterminous with that of—
  - (a) an existing urban district or borough, the area of which is not divided by or under section 1 above between two or more districts, or
  - (b) so much of an existing urban district or borough, the area of which is so divided, as is wholly comprised in a single district,and for naming those parishes.
- (2) The Secretary of State may give the Commission directions for their guidance in making any such proposals.
- 2 (1) The Secretary of State shall by order give effect to any proposals under paragraph 1 above, either as made to him or with modifications, but except in so far as any such order specifies part of the boundary of a district as part of the boundary of a parish no such order may specify for a parish a boundary different from that of an existing urban district or borough.
- (2) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 3 The constitution of an area as a parish under this Part of this Schedule shall not affect—
  - (a) the continued existence, subject to section 1(10) above, of the borough or urban district the area of which or of part of which is co-extensive with that of the parish, or
  - (b) the power to make changes in local government areas under Part IV above.
- 4 In this Part of this Schedule “borough” does not include a London borough or a borough which becomes a parish by virtue of section 1(9) above.

SCHEDULE 2 E+W

Section 8.

CONSTITUTION AND MEMBERSHIP OF GREATER  
LONDON COUNCIL AND LONDON BOROUGH COUNCILS

**PART I E+W**

*Constitution*

- 1 <sup>F436</sup>(1) .....
- (2) For every London borough there shall be a council consisting of the mayor and councillors and the council shall exercise all such functions as are vested in the municipal corporation of the borough or in the council of the borough by this Act or otherwise.

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#### Textual Amendments

**F436** Sch. 2 para. 1(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### *Chairman and mayor*

- 2
- (1) The <sup>F437</sup> . . . mayor of a London borough shall be elected annually by the council from among the councillors.
  - (2) The <sup>F437</sup> . . . mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as <sup>F437</sup> . . . mayor.
  - (3) During his term of office the <sup>F437</sup> . . . mayor shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.
  - (4) <sup>F437</sup> . . . a London borough council may pay the mayor, such allowance as the council think reasonable for the purpose of enabling the <sup>F437</sup> . . . mayor to meet the expenses of his office.
  - (5) The mayor of a London Borough shall have precedence in the borough, but not so as prejudicially to affect Her Majesty's royal prerogative.

#### Textual Amendments

**F437** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### *Election of chairman and mayor*

- 3
- (1) The election of the <sup>F438</sup> . . . mayor shall be the first business transacted at the annual meeting of <sup>F438</sup> . . . a London borough council.
  - (2) If, apart from paragraph 2(3) above <sup>F438</sup> . . . , the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with sub-paragraph (3) below.
  - (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

#### Textual Amendments

**F438** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

<sup>F439</sup>4 . . . . .

#### Textual Amendments

**F439** Sch. 2 para. 4 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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*Power of mayor of London borough to appoint deputy*

- 5 (1) The mayor of a London borough may appoint a councillor of the borough to be deputy mayor, and the person so appointed shall, unless he resigns or becomes disqualified, hold office until a newly elected mayor becomes entitled to act as mayor (whether or not he continues until that time to be a councillor).
- (2) The appointment of a deputy mayor shall be signified to the council in writing and be recorded in the minutes of the council.
- (3) The deputy mayor may, if for any reason the mayor is unable to act or the office of mayor is vacant, discharge all functions which the mayor as such might discharge, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so under paragraph 5 of Schedule 12 below.
- (4) A London borough council may pay the deputy mayor such allowance as the council think reasonable for the purpose of enabling him to meet the expenses of his office.

*[<sup>F440</sup> Modifications of preceding provisions*

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**Textual Amendments**

**F440** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

- <sup>F441</sup>5A Where a London borough council are operating executive arrangements which involve a leader and cabinet executive—
- (a) paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—
- “(1A) A member of the executive of a London borough council may not be elected as the mayor of the borough.”
- (b) paragraph 5 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—
- “(1A) A member of the executive of a London borough council may not be appointed as the deputy mayor.”

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**Textual Amendments**

**F441** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

- <sup>F442</sup>5B Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the preceding provisions of this Schedule shall have effect with the modifications specified in paragraphs 5C to 5I below.

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**Textual Amendments**

**F442** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

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F443<sup>5C</sup> The council shall consist of an elected mayor, a chairman and councillors.

**Textual Amendments**

F443 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

F444<sup>5D</sup> Paragraphs 2(1) and 2(5) above shall have effect as if for the expression “mayor of a London borough” there were substituted “chairman of a London borough council”.

**Textual Amendments**

F444 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

F445<sup>5E</sup> Paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

(1A) A member of the executive of a London borough council may not be elected as the chairman of the council.

**Textual Amendments**

F445 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

F446<sup>5F</sup> Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to “mayor” there were substituted “chairman”.

**Textual Amendments**

F446 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

F447<sup>5G</sup> Paragraph 2(5) above shall have effect as if it provided for the elected mayor to have precedence in the borough, but this paragraph shall not apply if the executive arrangements provide for it not to apply.

**Textual Amendments**

F447 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

F448<sup>5H</sup> Paragraph 5 above shall have effect as if for sub-paragraphs (1) to (3) there were substituted—

(1) A London borough council shall appoint a member of the council to be vice-chairman of the council.

(1A) A member of the executive of a London borough council may not be appointed as the vice-chairman of the council.

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- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.”

**Textual Amendments**

**F448** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

**F449** 5I Paragraphs 5(4) above shall have effect as if for the expression “ deputy mayor” there were substituted “vice-chairman”.]

**Textual Amendments**

**F449** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

*Term of office and retirement of councillors*

- 6 (1) <sup>F450</sup> . . . London borough councillors shall be elected by the local government electors for <sup>F450</sup> . . . the borough, <sup>F450</sup> . . . , in accordance with this Act and Part I of the [<sup>F451</sup>Representation of the People Act 1983].
- <sup>F452</sup>(2) . . . . .
- (3) The ordinary election of London borough councillors shall take place in 1974 and [<sup>F453</sup>every fourth year] thereafter, their term of office shall be [<sup>F453</sup>four years] and they shall retire together in every [<sup>F453</sup>such fourth year] on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.
- <sup>F454</sup>(4) . . . . .

**Textual Amendments**

**F450** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17  
**F451** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12  
**F452** Sch. 2 para. 6(2) repealed by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), s. 2(4)  
**F453** Words substituted by S.I. 1976/213, art. 3  
**F454** Sch. 2 para. 6(4) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

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

**C576** Sch. 1 para. 6 extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), reg. 15 {Sch. 2 para. 17}

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*Electoral divisions and wards*

- 7 (1) Subject to the following provisions of this paragraph, for the purposes of the election of councillors—
  - <sup>F455</sup>(a) .....
  - (b) every London borough shall be divided into wards, each returning such number of councillors as is specified in any order made under [<sup>F456</sup>Part II of the Local Government Act 1992];  
and there shall be a separate election for each <sup>F455</sup> . . . ward.
- (2) Until provision is made as mentioned in sub-paragraph (1)(b) above by an order under [<sup>F456</sup>Part II of the Local Government Act 1992], the number of councillors for each ward in a London borough shall be such as is specified in the provision of the charter for the borough or, as the case may be, of an order under Part III of Schedule 1 to the 1963 Act amending that charter, which is in force on the coming into operation of Part IV of this Act.
- <sup>F457</sup>(3) .....

**Textual Amendments**

**F455** Sch. 2 para. 7(1)(a) and words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F456** Words in Sch. 2 para. 7(1)(b)(2) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 19(1)(2); S.I. 1992/2371, art.2

**F457** Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

<sup>F458</sup>g .....

**Textual Amendments**

**F458** Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

**PART II E+W**

<sup>F459</sup>9–14 .....

**Textual Amendments**

**F459** Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII



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## SCHEDULE 3 **E+W**

### ESTABLISHMENT OF NEW AUTHORITIES IN ENGLAND

#### *Division of non-metropolitan counties into districts*

- 1 (1) The English Commission shall as soon as practicable after the passing of this Act make proposals to the Secretary of State for the division of non-metropolitan counties into districts, for defining the areas of those districts and for naming them, and the Secretary of State may give the Commission directions for their guidance in making any such proposals.
- (2) The Secretary of State shall by order give effect to any proposals under this paragraph either as submitted to him or with modifications, but an order shall not be made under this paragraph defining the areas of non-metropolitan districts unless a draft of the order has been approved by resolution of each House of Parliament.
- (3) An order under this paragraph shall, notwithstanding that it applies only to one or some of the non-metropolitan counties, proceed in Parliament as if its provisions would, apart from this paragraph, require to be enacted by a public Bill.

#### *County and district councillors*

- 2 Elections of councillors of the new principal councils shall be held on dates in 1973 fixed by the Secretary of State by order and the persons elected at these elections shall come into office on the fourth day after the day of election.
- 3 (1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.
- (2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area; and section 6(2)(a) above shall not apply to any such election.
- (3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.
- 4 (1) Of the district councillors elected under paragraph 2 above for any ward of a metropolitan district—
- (a) one-third shall retire in 1975, being, subject to sub-paragraphs (2) and (3) below, those elected by the smallest numbers of votes;
  - (b) one-third shall retire in 1976, being, subject as aforesaid, those elected by the next smallest numbers of votes; and
  - (c) the remainder shall retire in 1978;
- in each case on the fourth day after the ordinary day of election of such councillors in the year of retirement.

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- (2) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person or persons to retire in that year shall be determined by lot.
- (3) If an election of district councillors under paragraph 2 above for any ward of a metropolitan district is not contested, the person or persons to retire in each such year shall be determined by lot.
- (4) Where under this paragraph any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

#### *First elections and meetings of new councils*

- 5 (1) At the first elections of councillors for a new principal area the returning officer shall be an officer of the council appointed by such existing county, borough or urban or rural district council as the Secretary of State may by order designate and not a person appointed under section 41 above.
- (2) Section 42(5) above shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer in relation to the holding of any such election shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.
- (3) In relation to any such election “the appropriate officer” in Parts II and III of the <sup>M170</sup>Representation of the People Act 1949 means the returning officer appointed under this paragraph instead of having the meaning assigned to that expression by section 55(6)(b) of that Act.

#### **Marginal Citations**

M170 1949 c. 68.

- 6 (1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal area under section 83 above before the first meeting of that council, the clerk of an existing authority designated by the committee established for the area under section 264 above shall be deemed to be and shall act as the proper officer of the council.
- (2) Any such declaration delivered by virtue of this paragraph to the said clerk shall be transferred by him to the custody of the proper officer of the new council on the appointment of the latter.
- 7 (1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1973.

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- (2) The meeting shall be convened by the clerk of an authority designated by the committee established for the area of the new council under section 264 above and shall be held at such place as he may appoint instead of such place as the council may direct as required by paragraph 4(1) of Schedule 12 to this Act.
  - (3) The notice of the meeting required by paragraph 4(2) of that Schedule shall be published at the place where the meeting is to be held instead of at the council's offices and the summons to attend the meeting required by that paragraph shall be signed by the said clerk instead of by the proper officer of the council.
- 8
  - (1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the committee established for the area of the council under section 264 above shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council, but any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.
  - (2) At the first meeting of a new principal council the clerk or deputy clerk of an existing authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
  - (3) The standing orders for the regulation of the proceedings and business of an existing authority so designated shall apply at the first meeting of a new principal council.
- 9 

The Secretary of State may himself exercise a committee's power of designation for the purposes of any provision of paragraph 6, 7 or 8 above if he is requested to do so on the ground that the committee is unlikely to exercise the power in time for that provision to operate.

#### *Parish councillors*

- 10
  - (1) Until provision is made to the contrary under Part I or <sup>F460</sup>Part II of the Local Government Act 1992]—
    - (a) the number of councillors for a parish which immediately before the passing of this Act was a borough included in a rural district, not being a borough divided into wards, shall be the same as the number of councillors for that borough;
    - (b) where any such borough was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the borough, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the borough;
    - (c) the number of councillors for a parish which immediately before the passing of this Act was co-extensive with a rural district which is not divided into wards shall be the same as the number of councillors for that rural district; and
    - (d) where a rural district which is co-extensive with a parish was immediately before the passing of this Act divided into wards for the purpose of elections

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to the council of the rural district, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the rural district.

(2) Until provision is made to the contrary under Part I or [<sup>F460</sup>Part II of the Local Government Act 1992], the provisions of this sub-paragraph shall have effect with respect to the number of councillors for a parish constituted under Part V of Schedule 1 above and having an area co-extensive with that of an existing borough or urban district, that is to say—

- (a) if the area of the parish is co-extensive with that of a borough not divided into wards, the number of councillors for the parish shall be the same as the total number of councillors and aldermen for the borough;
- (b) if the area of the parish is co-extensive with that of a borough which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be four-thirds of the number of councillors for the corresponding ward of the borough;
- (c) if the area of the parish is co-extensive with that of an urban district not divided into wards, the number of councillors for the parish shall be the same as the number of councillors for the urban district;
- (d) if the area of the parish is co-extensive with that of an urban district which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number of councillors for the corresponding ward of the urban district;

and the numbers referred to in paragraphs (a) to (d) above shall be determined by reference to the electoral arrangements in the borough or urban district at the date on which the parish is constituted.

(3) In the case of a parish constituted under Part V of Schedule 1 above and having an area co-extensive with part only of an existing borough or urban district, the Secretary of State shall by order make such provision with respect to—

- (a) the number of councillors for the parish as a whole,
- (b) the division of the parish into wards, and
- (c) if the parish is so divided, the number of councillors for each ward,

as appears to him to correspond, in relation to the part of the existing borough or urban district concerned, to the provision made by paragraphs (a) to (d) of sub-paragraph (2) above in the case of a parish the area of which is co-extensive with that of the whole of an existing borough or urban district; and the provision made by any such order shall have effect until provision is made to the contrary under Part I or [<sup>F460</sup>Part II of the Local Government Act 1992].

#### Textual Amendments

**F460** Words in Sch. 3 para. 10 substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para.20; S.I. 1992/2371, art. 2

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### *Qualification for membership of local authority*

- 11 For the purposes of section 79 above, in its application to a candidate for membership of a new local authority, the new local government areas shall be treated as having been established not less than 12 months before the day of his nomination as such a candidate or, in relation to an election not preceded by the nomination of candidates, before the day of election.

### *Suspension of elections*

- 12 (1) No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.
- (2) Subject to sub-paragraph (3) below any ordinary election of parish councillors due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the district in which the parish is situated; and any such councillor who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of parish councillors takes place in pursuance of this sub-paragraph.
- (3) No election of parish councillors shall be held after the end of the year 1972 for any existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act.
- (4) Subject to sub-paragraph (6) below, any parish councillor elected at the ordinary election of parish councillors in 1973 shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (5) Any parish councillor—
- (a) for an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act; or
  - (b) for a parish to which part of any parish is added by paragraph 2 of the said Part IV;
- who holds office immediately before the end of 1972 or is appointed after the end of that year to fill a casual vacancy occurring before the end of that year shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1974.
- (6) Any parish councillor elected in 1973 for a parish mentioned in sub-paragraph (5) (b) above shall not act in his office before 1st April 1974 except for the purpose of taking any action with a view to enabling the new parish council to exercise their functions on and after that date.

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- (7) No election of parish councillors shall be held in 1974 or 1975, and any parish councillor who (apart from this Act) would ordinarily have retired in 1974 or 1975 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the ordinary day of election of parish councillors in 1976.
- (8) Any ordinary election of councillors of a borough included in a rural district or of a rural district which is co-extensive with a parish due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the new district in which the borough or rural district is situated; and any councillor of any such borough or rural district who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of councillors takes place in pursuance of this sub-paragraph.
- (9) The council of a borough included in a rural district shall, as from the date when the persons elected councillors of the borough in pursuance of sub-paragraph (8) above come into office, also be the council of the corresponding parish, and—
- (a) the persons so elected shall also hold office as councillors of the corresponding parish and, in the case of a borough divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
  - (b) the person who in 1973 is elected as mayor of the borough shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
  - (c) the person who in 1973 is appointed deputy mayor of the borough shall also hold office as vice-chairman of the parish council until the abolition of the borough.
- (10) Without prejudice to the continued operation, until its repeal by this Act, of section 43(3) of the 1933 Act (council of a rural district which is co-extensive with a parish to have the functions of, and to be deemed to be, the parish council) the council of a rural district which is co-extensive with a parish shall, as from the date when the persons elected councillors of the rural district in pursuance of sub-paragraph (8) above come into office, also be the council of the parish, and—
- (a) the persons so elected shall also hold office as councillors of the parish and, in the case of a rural district divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
  - (b) the person who in 1973 is elected as chairman of the rural district council shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
  - (c) the person who in 1973 is appointed vice-chairman of the rural district council shall also hold office as vice-chairman of the parish council until the abolition of the rural district council.
- (11) Any person elected councillor as mentioned in sub-paragraph (9) or sub-paragraph (10) above shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (12) As respects an existing county or borough (other than a London borough)—
- (a) no ordinary election of aldermen shall be held after the passing of this Act;

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- (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day; and
    - (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.
  - (13) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—
    - (a) chairman or vice-chairman of the council of an existing county or urban or rural district other than chairman of a rural district which is co-extensive with a parish; or
    - (b) mayor of an existing borough (other than a London borough or a borough included in a rural district).
  - (14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.
- 13
- (1) The provisions of this paragraph shall apply in relation to a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(2) above and also in relation to the borough or urban district the area of which is co-extensive with that of the parish; and, in relation to such a parish,—
    - (a) references in this paragraph to the order are references to the order under the said Part V constituting the parish, and
    - (b) references in this paragraph to the borough or urban district are references to the borough or urban district the area of which is co-extensive with that of the parish.
  - (2) As from the date specified in the order, the parish councillors shall be the aldermen and councillors for the time being of the borough or as the case may be, the councillors for the time being of the urban district, and, if the parish is divided into wards in accordance with paragraph 10(2) above—
    - (a) the councillors of the borough or urban district, in their capacity as parish councillors, shall be treated as having been elected for the wards of the parish corresponding to the wards of the borough or urban district for which they were elected; and
    - (b) in the case of a borough, each of the aldermen shall be treated, in his capacity as a parish councillor, as having been elected for such ward of the parish as shall be determined at a meeting of the parish council held within fourteen days after the date specified in the order.
  - (3) Each person who becomes a parish councillor by virtue of sub-paragraph (2) above shall (unless he resigns his office or it otherwise becomes vacant) continue to hold that office until the fourth day after the ordinary day of election of parish councillors in 1976.
  - (4) Until 1st April 1974 the persons for the time being holding office as mayor and deputy mayor of the borough or, as the case may be, as chairman and vice-chairman of the council of the urban district shall, by virtue of those offices, hold office as chairman and vice-chairman of the parish council, respectively; and the persons who, by virtue of this sub-paragraph, hold office as chairman and vice-chairman of the

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parish council immediately before 1st April 1974 shall, subject to section 15 above, continue to hold those offices on and after that date as if they had been elected to them at the annual meeting of the parish council held in 1973.

- (5) Where this paragraph applies to a parish, then, as from the date specified in the order, paragraph 12(1) above shall not apply in relation to elections to fill casual vacancies in the office of councillor of the borough or urban district, as the case may be, and any casual vacancy which has not been filled on that date shall be deemed for the purposes of the 1933 Act to have arisen on that date; and without prejudice to sub-paragraph (3) above a councillor elected after that date to fill a casual vacancy shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office as a councillor of the borough or urban district until 1st April 1974.
- (6) Where this paragraph applies to a parish, sub-paragraph (12)(c) and (13) of paragraph 12 above shall not apply in relation to the borough or urban district, as the case may be; and in the case of a borough any person appointed to fill a casual vacancy in the office of alderman of the borough shall be treated, in his capacity as a parish councillor, as having been elected for the same ward of the parish as that for which his predecessor as alderman was treated as having been elected by virtue of sub-paragraph (2)(b) above or this sub-paragraph.
- 14 In the case of a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(3) above, the Secretary of State shall by order make such provision in relation to the councillors of the parish, the chairman and vice-chairman of the parish council and the aldermen and councillors of the borough, or as the case may be the councillors of the urban district, concerned as appears to him to be appropriate to secure for the parish and that borough or urban district a result corresponding, so far as practicable, with that produced in the case of a parish falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.

#### *Annual meetings*

- 15 In the year 1973 the annual meeting of a borough council other than the council of a London borough or a borough included in a rural district shall be held on such day in the month of March, April or May as the council may fix.
- 16 In that year the annual meeting of the council of a parish or a borough included in a rural district which (apart from this Act) is due to be held on or within fourteen days after 20th May and, in the case of a rural district which is co-extensive with a parish, the annual meeting of the rural district council which (apart from this Act) is due to be held on or as soon as conveniently may be after that date shall instead be held on, or within 14 days after, the day on which the councillors elected at the ordinary elections of parish councillors or councillors of boroughs included in rural districts or rural district councillors in that year come into office.
- 17 In the year 1974—
- (a) it shall not be necessary for the parish meeting of an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act to assemble as required by paragraph 1(1) of Part VI of Schedule 3 to the 1933 Act; and



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- (b) the parish meeting of a parish to which part of any parish is added by paragraph 2 of the said Part IV shall be held for the enlarged parish.

### Supplementary

18 In this Schedule “relevant year of election” means—

- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 9 to this Act;
- (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule.

## SCHEDULE 4 **E+W**

Section 20.

### LOCAL GOVERNMENT AREAS IN WALES

#### PART I **E+W**

##### COUNTIES

<b>(1)</b> Name of county	<b>(2)</b> Area by reference to existing administrative areas
Clwyd	The administrative county of Flintshire. The administrative county of Denbigh except the parts to be comprised in the county of Gwynedd. In the administrative county of Merioneth, the rural district of Edeyrnion.
Dyfed	The administrative counties of Cardiganshire, Carmarthenshire and Pembroke.
Gwent	The county borough of Newport. The administrative county of Monmouthshire except the parts to be comprised in the counties of Mid Glamorgan and South Glamorgan. In the administrative county of Brecon:— the urban district of Brynmawr; in the rural district of Crickhowell, the parish of Llanelly.
Gwynedd	The administrative counties of Anglesey and Caernarvon. The administrative county of Merioneth except the rural district of Edeyrnion.

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	<p>In the administrative county of Denbigh:— the urban district of Llanrwst; in the rural district of Aled, the parish of Llansantffraid Glan Conway; in the rural district of Hiraethog, the parishes of Eglwysbach, Llanddoget, Llanrwst Rural and Tir Ifan.</p>
Mid Glamorgan	<p>The county borough of Methyr Tydfil. In the administrative county of Glamorgan:— the borough of Rhondda; the urban districts of Aberdare, Bridgend, Caerphilly, Gelligaer, Maesteg, Mountain Ash, Ogmore and Garw, Pontypridd and Porthcawl; the rural districts of Llantrisant and Llantwit Fardre and Penybont; in the rural district of Cardiff, the parishes of Llanfedw, Llanilterne, Pentyrch, Rhydygwern, Rudry and Van; in the rural district of Cowbridge, the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem; in the rural district of Neath, the parish of Rhigos. In the administrative county of Brecon, in the rural district of Vaynor and Penderyn, the parishes of Penderyn and Vaynor. In the administrative county of Monmouthshire:— the urban districts of Bedwas and Machen and Rhymney; in the urban district of Bedwellty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillipstown wards.</p>
Powys	<p>The administrative counties of Montgomeryshire and Radnorshire. The administrative county of Brecon except the parts to be comprised in the counties of Gwent and Mid Glamorgan.</p>
South Glamorgan	<p>The county borough of Cardiff. In the administrative county of Glamorgan:— the boroughs of Barry and Cowbridge; the urban district of Penarth; the rural district of Cardiff except the parishes of Llanfedw, Llanilterne, Pentyrch, Rhydygwern, Rudry and Van; the rural district of Cowbridge except the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem.</p>

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West Glamorgan.	<p>In the administrative county of Monmouthshire, in the rural district of Magor and St. Mellons, the parish of St. Mellons.</p> <p>The county borough of Swansea.</p> <p>In the administrative county of Glamorgan:—              the boroughs of Neath and Port Talbot;              the urban districts of Glyncothrog and Llchwyr;              the rural districts of Gower and Pontardawe;              the rural district of Neath except the parish of Rhigos.</p>
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**PART II** E+W

DISTRICT

(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Clwyd	C.1	In the administrative county of Denbigh:— the borough of Colwyn Bay; the urban district of Abergele; the rural districts of Aled and Hiraethog except the parts to be comprised in district GD.4.
	C.2	In the administrative county of Flintshire:— the urban districts of Prestatyn and Rhyl; the rural district of St. Asaph.
	C.3	In the administrative county of Flintshire:— the borough of Flint; the urban districts of Holywell and Mold; the rural district of Holywell.
	C.4	In the administrative county of Flintshire:— the urban districts of Buckley and Connah’s Quay; the rural district of Hawarden except the part to be comprised in district C.6.
	C.5	In the administrative county of Denbigh:—

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		<p>the boroughs of Denbigh and Ruthin;  the urban district of Llangollen;  the rural districts of Ceiriog and Ruthin;  in the rural district of Wrexham, the parishes of Llangollen Rural and Llantysilio.  In the administrative county of Merioneth, the rural district of Edeyrnion.</p>
	C.6	<p>In the administrative county of Denbigh:—  the borough of Wrexham;  the rural district of Wrexham except the parts to be comprised in district C.5.  In the administrative county of Flintshire:—  the rural district of Maelor;  in the rural district of Hawarden, the parish of Marford and Hoseley.</p>
Dyfed	D.1	<p>In the administrative county of Cardiganshire:—  the boroughs of Aberystwyth, Cardigan and Lampeter;  the urban districts of Aberaeron and New Quay;  the rural districts of Aberaeron, Aberystwyth, Teifiside and Tregaron.  Area of district by reference to existing administrative areas</p>
	D.2	<p>In the administrative county of Pembroke:—  the borough of Haverfordwest;  the urban districts of Fishguard and Goodwick, Milford Haven and Neyland;  the rural districts of Cemaes and Haverfordwest.</p>
	D.3	<p>In the administrative county of Pembroke:—  the boroughs of Pembroke and Tenby;  the urban district of Narberth;</p>

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		the rural districts of Narberth and Pembroke.
	D.4	In the administrative county of Carmarthenshire:— the borough of Carmarthen; the urban district of Newcastle Emlyn; the rural districts of Carmarthen and Newcastle Emlyn.
	D.5	In the administrative county of Carmarthenshire:— the boroughs of Kidwelly and Llanelli; the urban district of Barry Port; the rural district of Llanelli.
	D.6	In the administrative county of Carmarthenshire:— the borough of Llandovery; the urban districts of Ammanford, Cwmmamman and Llandeilo; the rural district of Llandeilo.
Gwent	GT.1	The county borough of Newport. In the administrative county of Monmouthshire:— the urban district of Caerleon; the rural district of Magor and St. Mellons except the parts to be comprised in districts GT.4 and SG.1.
	GT.2	In the administrative county of Monmouthshire:— the urban districts of Abercarn, Mynyddislwyn and Risca; the urban district of Bedwellty except the parts to be comprised in district MG.5.
	GT.3	In the administrative county of Monmouthshire, the urban districts of Abertillery, Ebbw Vale, Nantyglo and Blaina and Tredegar.

Area of district by reference to existing administrative areas  
In the administrative county of Brecon:—

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the urban district of Brynmawr;  
in the rural district of Crickhowell, the parish of Llanelly.

	GT.4	In the administrative county of Monmouthshire:— the urban districts of Blaenavon, Cwmbran and Pontypool; in the rural district of Magor and St. Mellons, the parish of Henllys; in the rural district of Pontypool, the parish of Llanfrechfa Lower.
	GT.5	In the administrative county of Monmouthshire:— the boroughs of Abergavenny and Monmouth; the urban districts of Chepstow and Usk; the rural districts of Abergavenny, Chepstow and Monmouth; the rural district of Pontypool except the part to be comprised in district GT.4.
Gwynedd	GD.1	In the administrative county of Anglesey:— the borough of Beaumaris; the urban districts of Amlwch, Holyhead, Llangefni and Menai Bridge; the rural districts of Aethwy, Twrcelyn and Valley.
	GD.2	In the administrative county of Caernarvon:— the borough of Pwllheli; the urban districts of Criccieth and Porthmadog; the rural district of Lleyrn; in the rural district of Gwyrfai, the parishes of Beddgelert and Clynnog.
	GD.3	In the administrative county of Caernarvon:— the boroughs of Bangor and Caernarvon; the urban district of Bethesda; the rural district of Ogwen;

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		<p>the rural district of Gwyrfai except the parts to be comprised in GD.2.</p>
	GD.4	<p>In the administrative county of Caernarvon:— the borough of Conwy; the urban districts of Betws-y-Coed, Llandudno, Llanfairfechan and Penmaenmawr; the rural district of Nant Conway. Area of district by reference to existing administrative areas In the administrative country of Denbigh:— the urban district of Llanrwst; in the rural district of Aled, the parish of Llansantffraid Glan Conway; in the rural district of Hiraethog, the parishes of Eglwysbach, Llanddoget, Llanrwst Rural and Tir Ifan.</p>
	GD.5	<p>In the administrative county of Merioneth:— the urban districts of Bala, Barmouth, Dolgellau, Ffestiniog and Tywyn; the rural districts of Deudraeth, Dolgellau and Penllyn.</p>
Mid Glamorgan	MG.1	<p>In the administrative county of Glamorgan:— the urban districts of Bridgend, Maesteg, Ogmere and Garw and Porthcawl; the rural district of Penybont.</p>
	MG.2	<p>In the administrative county of Glamorgan, the borough of Rhondda.</p>
	MG.3	<p>In the administrative county of Glamorgan:— the urban districts of Aberdare and Mountain Ash; in the rural district of Neath, the parish of Rhigos. In the administrative county of Brecon, in the rural district</p>

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- MG.4 of Vaynor and Penderyn, the parish of Penderyn.
- The county borough of Merthyr Tydfil.  
In the administrative county of Glamorgan, in the urban district of Gelligaer, the Bedlinog ward.  
In the administrative county of Brecon, in the rural district of Vaynor and Penderyn, the parish of Vaynor.
- MG.5 In the administrative county of Glamorgan:—  
the urban district of Caerphilly except the Taff's Well ward;  
the urban district of Gelligaer except the Bedlinog ward;  
in the rural district of Cardiff, the parishes of Llanfedw, Rhydygwern, Rudry and Van.  
In the administrative county of Monmouthshire:—  
the urban districts of Bedwas and Machen and Rhymney;  
in the urban district of Bedwelty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillipstown wards.  
Area of district by reference to existing administrative areas
- MG.6 In the administrative county of Glamorgan:—  
the urban district of Pontypridd;  
the rural district of Llantrisant and Llantwit Fardre;  
in the urban district of Caerphilly, the Taff's Well ward;  
in the rural district of Cardiff, the parishes of Llanilterne and Pentyrch;  
in the rural district of Cowbridge, the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem.



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Powys	P.1	In the administrative county of Montgomeryshire:— the boroughs of Llanfyllin, Llanidloes, Montgomery and Welshpool; the urban districts of Machynlleth and Newtown and Llanllwchaiarn; the rural districts of Forden, Llanfyllin, Machynlleth and Newtown and Llanidloes.
	P.2	In the administrative county of Radnorshire:— the urban districts of Knighton, Llandrindod Wells and Presteigne; the rural districts of Colwyn, Knighton, New Radnor, Painscastle and Rhayader.
	P.3	In the administrative county of Brecon:— the borough of Brecon; the urban districts of Builth Wells, Hay and Llanwrtyd Wells; the rural districts of Brecknock, Builth, Hay and Ystradgynlais; the rural district of Crickhowell except the part to be comprised in district GT.3; in the rural district of Vaynor and Penderyn, the parish of Ystradfellte.
South Glamorgan	SG.1	The county borough of Cardiff. In the administrative county of Glamorgan, in the rural district of Cardiff, the parishes of Lisvane, Llanedeyrn, Radyr, St. Fagans and Tongwynlais. In the administrative county of Monmouthshire, in the rural district of Magor and St. Mellons, the parish of St. Mellons.

Area of district by reference to existing administrative areas

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	SG.2	In the administrative county of Glamorgan:— the boroughs of Barry and Cowbridge; the urban district of Penarth; the rural district of Cardiff except the parts to be comprised in districts MG.5, MG.6 and SG.1; the rural district of Cowbridge except the parts to be comprised in district MG.6.
West Glamorgan	WG.1	The county borough of Swansea. In the administrative county of Glamorgan, the rural district of Gower.
	WG.2	In the administrative county of Glamorgan:— the urban district of Llchwyr; the rural district of Pontardawe.
	WG.3	In the administrative county of Glamorgan:— the borough of Neath; the rural district of Neath except the part to be comprised in district MG.3.
	WG.4	In the administrative county of Glamorgan:— the borough of Port Talbot; the urban district of Glyncoerrwg.

### PART III **E+W**

#### COMMUNITIES DIFFERING FROM EXISTING LOCAL GOVERNMENT AREAS

(1) Reference number of district	(2) Name of community	(3) Area of community by reference to existing administrative areas
GT.2	Bedwellty	In the administrative county of Monmouthshire, the urban district of Bedwellty except the Aberbargoed,

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		Cwmsyfiog, New Tredegar and Phillipstown wards.
MG.4	Bedlinog	In the administrative county of Glamorgan, in the urban district of Gelligaer, the Bedlinog ward.
MG.5	New Tredegar	In the administrative county of Monmouthshire, in the urban district of Bedwellty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillipstown wards.
MG.5	Caerphilly	In the administrative county of Glamorgan, the urban district of Caerphilly except the Taff's Well ward.
MG.5	Gelligaer	In the administrative county of Glamorgan, the urban district of Gelligaer except the Bedlinog ward.
MG.6	Taff's Well	In the administrative county of Glamorgan, in the urban district of Caerphilly, The Taff's Well ward.

#### PART IV **E+W**

##### RULES AS TO BOUNDARIES

- 1 The boundaries of the new local government areas shall be mered by Ordnance Survey.
- 2 Any such boundary defined on the map annexed to any order under Part VI of the 1933 Act or Part II of the <sup>M171</sup>Local Government Act 1958 by reference to proposed works shall, if the works have not been executed at the time of the completion of the first survey made after the passing of this Act for a new edition of Ordnance Survey large-scale plans including that boundary, be mered as if the boundary had not been so defined.

#### Marginal Citations

M171 1958 c. 55.

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SCHEDULE 5 **E+W**

Section 37.

## ESTABLISHMENT OF NEW AUTHORITIES IN WALES

*County and district councillors*

- 1 Elections of councillors of the new principal councils shall be held on dates in 1973 fixed by the Secretary of State by order and the persons elected at those elections shall come into office on the fourth day after the day of election.
- 2
  - (1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.
  - (2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area; and section 25(2)(a) above shall not apply to any such election.
  - (3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.

*Community councillors*

- 3 Elections of councillors of the new community councils shall be held on a day, not later than 10th March 1974, appointed by the Secretary of State, and—
  - (a) the persons elected to a community council required to be established by a direction under section 27(3) or (4) above shall come into office on the fourth day after that day; and
  - (b) the persons elected to a community council established by virtue of section 27(2)(a) or (b) above shall come into office on 1st April 1974.
- 4
  - (1) The following provisions of this paragraph shall have effect with respect to elections of community councillors before the relevant year of election.
  - (2) The number of councillors for a community, the area of which is co-extensive with the area of an existing borough or urban district or an existing rural parish having a separate parish council, shall be the same as the number of councillors for that borough, district or parish, as the case may be.
  - (3) The number of councillors for a group of communities the areas of which are co-extensive with the areas of existing rural parishes grouped under a common council shall be the same as the number of councillors of that council, and the number of councillors representing a community on the common community council shall be the same as the number representing the area of that community on the existing common parish council.

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- (4) Where any existing borough, district or parish falling within sub-paragraph (2) or (3) above is divided into wards for the purpose of elections to the council of the borough, district or parish, the community shall be divided into those wards for the purpose of elections of community councillors and the number of councillors to be elected for each community ward shall be the same as the number to be elected for each ward of the existing borough, district or parish, as the case may be.
- (5) In the case of a community named in Part III of Schedule 4 to this Act, the Secretary of State may, after causing such notices to be given concerning the matter as he thinks expedient, by order specify the number of community councillors to be elected for the community, divide the community into wards and specify the number of councillors to be returned for each ward.

#### *First elections and meetings of new councils*

- 5 (1) At the first elections of councillors for a new area, the returning officer shall be an officer of the council appointed by such existing county, borough or urban or rural district council as the Secretary of State may by order designate and not a person appointed under section 41 above.
- (2) Section 42(5) and (6) above shall not apply to any such election, but sub-paragraphs (3) and (4) below shall apply instead.
- (3) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first elections of councillors for a new principal area shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.
- (4) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first elections of councillors for a community shall be paid in the first instance by the council of the new district in which the community is situated, but any expenditure so incurred shall be chargeable only on that community.
- (5) Section 42(7) above shall not apply to the first election of councillors for a community, but before a poll is taken at such an election the council of the new district in which the community is situated shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- (6) In relation to the first election of councillors for a new area “the appropriate officer” in Parts II and III of the Representation of the <sup>M172</sup>People Act 1949 means the returning officer appointed under this paragraph instead of having the meaning assigned to that expression by section 55(6)(b) of that Act.

#### **Marginal Citations**

M172 1949 c. 68.

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- 6 (1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal area under section 83 above before the first meeting of that council, the clerk of an existing authority designated by the committee established for the area under section 264 above shall be deemed to be and shall act as the proper officer of the council.
- (2) Any such declaration delivered by virtue of this paragraph to the said clerk shall be transferred by him to the custody of the proper officer of the new council on the appointment of the latter.
- 7 (1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1973.
- (2) The meeting shall be convened by the clerk of an authority designated by the committee established for the area of the new council under section 264 above and shall be held at such place as he may appoint instead of such place as the council may direct as required by paragraph 4(1) of Schedule 12 to this Act.
- (3) The notice of the meeting required by paragraph 4(2) of that Schedule shall be published at the place where the meeting is to be held instead of at the council's offices and the summons to attend the meeting required by that paragraph shall be signed by the said clerk instead of by the proper officer of the council.
- 8 (1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the committee established for the area of the new council under section 264 above shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council, but any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.
- (2) At the first meeting of a new principal council the clerk or deputy clerk of an existing authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
- (3) The standing orders for the regulation of the proceedings and business of an existing authority so designated shall apply at the first meeting of a new principal council.
- 9 The Secretary of State may himself exercise a committee's power of designation for the purposes of any provision of paragraph 6, 7 or 8 above if he is requested to do so on the ground that the committee is unlikely to exercise the power in time for that provision to operate.
- 10 (1) The first meeting of a community council established by a direction under section 27(3) or (4) above shall be held within the 21 days immediately following the day of election in 1974 and shall be convened—
- (a) where the community is coterminous with an existing borough, by the town clerk of that borough;
- (b) where the community is coterminous with or wholly contained in an existing urban district, by the clerk of the council of that district.

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- (2) The first meeting of a community council established by virtue of section 27(2)(a) or (b) above shall be held before 23rd April 1974 and shall be convened by the clerk of the council of the parish or group of parishes, the area of which is co-extensive with the area of that community or group of communities, as the case may be.
- (3) The first meeting of a community council shall be treated as the annual meeting of the council for 1974.
- (4) The summons to attend the first meeting required by paragraph 26(2) of Schedule 12 to this Act shall be signed by the clerk by whom the meeting is convened instead of by the proper officer of the council.
- (5) In relation to the first elections of the councillors of any community council and in relation to the first meeting of any community council required to be held by this paragraph, the powers conferred on the district council by sections 44(4) and 91 above shall, until 1st April 1974, be exercisable by the council of the existing county in which the area of the community is situated.

#### *Qualification for membership of local authority*

- 11 For the purposes of section 79 above, in its application to a candidate for membership of a new local authority, the new local government areas shall be treated as having been established not less than 12 months before the day of his nomination as such a candidate or, in relation to an election not preceded by the nomination of candidates, before the day of election.

#### *Suspension of elections*

- 12 (1) No election of councillors of an existing county, borough, urban or rural district or rural parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.
- (2) As respects an existing county or borough—
  - (a) no ordinary election of aldermen shall be held after the passing of this Act;
  - (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day; and
  - (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.
- (3) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—

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- (a) chairman or vice-chairman of the council of an existing county or urban or rural district or of an existing parish council;
- (b) mayor of an existing borough; or
- (c) chairman of the parish meeting of an existing rural parish.

*Annual meetings*

13 In the year 1973 the annual meeting of a borough council shall be held on such day in the month of March, April or May as the council may fix.

14 In the year 1974 it shall not be necessary for the parish meeting of a rural parish to assemble as required by paragraph 1(1) of Part VI of Schedule 3 to the 1933 Act.

*Supplemental*

- 15 In this Schedule “relevant year of election” means—
- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 10 to this Act;
  - (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule;
  - (c) in relation to community councillors, the first ordinary year of election of such councillors occurring after the making of the order or the last of the orders with respect to the district comprising the community in consequence of the special community review under that Schedule.

<sup>F461</sup>SCHEDULE 6 **E+W**

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**Textual Amendments**

**F461** Sch. 6 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 9 Pt. II**

<sup>F462</sup>SCHEDULE 7 **E+W**

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### Textual Amendments

**F462** Sch. 7 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt. II](#); [S.I. 1992/2371](#), [art.2](#)

## SCHEDULE 8 E+W

Section 53.

### CONSTITUTION AND PROCEEDINGS OF THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

- 1 (1) The Commission shall be a body corporate consisting of a chairman, a deputy chairman and not more than three other members.
- (2) At least one of the members of the Commission shall be a person able to speak the Welsh language.
- (3) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with the terms of their respective appointments.
- (4) The common seal of the Commission shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.
- 2 There shall be paid to each member of the Commission such salary or fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- 3 (1) The Secretary of State may appoint, to assist and advise the Commission in the exercise of the Commission's functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to the Commission.
- (2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- 4 At any meeting of the Commission two shall be the quorum.
- 5 All acts done at a meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of the Commission, be as valid as if the defect had not existed.
- 6 Subject to the preceding provisions of this Schedule and to the provisions of, and of any regulations made or directions given under, Part IV of this Act, the procedure of the Commission at and in connection with their meetings shall be such as they may from time to time determine.

#### *Officers and servants, remuneration and expenses*

- 7 (1) The Secretary of State may appoint a secretary to the Commission and such other officers and servants of the Commission as he may, with the approval of the Minister for the Civil Service, determine.

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- (2) Before appointing a person to be a secretary to the Commission, the Secretary of State shall consult with the Commission.
- (3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

- 8 The expenses of the Commission including—
- (a) the salaries, fees and allowances of its members,
  - (b) the remuneration and any expenses paid to an assistant commissioner,
  - (c) the remuneration and any expenses paid to the secretary and other officers and servants of the Commission, and
  - (d) the expenses incurred in taking a poll in pursuance of arrangements under paragraph 4 of Schedule 10 to this Act,
- together with the fees and allowances paid to persons appointed under paragraph 3 above, shall be defrayed out of moneys provided by Parliament.

*Proof of documents*

- 9 (1) Every document purporting to be an instrument made or issued by the Commission and to be duly sealed with the seal of the Commission or to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence and, unless the contrary is proved, shall be deemed to be an instrument made or issued by the Commission.
- (2) Prima facie evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of the Commission to be a true copy of the instrument.

F463 SCHEDULE 9 E+W

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**Textual Amendments**  
**F463** Sch. 9 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 29\(2\), Sch. 4 Pt.II; S.I. 1992/2371, art. 2](#)

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## SCHEDULE 10 E+W

Section 64.

### INITIAL REVIEWS IN WALES

#### *Special community reviews*

- 1 As soon as practicable after 1st April 1974 the Welsh Commission shall conduct a review (to be known as the special community review) of the whole of Wales for the purpose of making proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means—
  - (a) the alteration of a community;
  - (b) the constitution of a new community by the amalgamation of communities or by the aggregation of parts of communities or by the separation of part of a community;
  - (c) the abolition of a community and the distribution of its area among other communities;
  - (d) the inclusion in a district of an area forming part of a county but not of a district and the constitution of a new community by—
    - (i) the establishment of the whole or part of that area as a community;  
or
    - (ii) the aggregation of the whole of that area or any part of it with one or more communities or parts of communities;
  - (e) the alteration of the area of a county or a district in consequence of any such change;and any proposals made by the Commission may include a proposal that the area of a community should be co-extensive with the area of a district.
- 2 In conducting the special community review the Welsh Commission shall also consider whether any community established by section 20 above or proposed to be constituted in consequence of the review (other than a community which it is proposed should be or remain co-extensive with the area of a district) should—
  - (a) have a separate community council;
  - (b) be grouped under a common community council; or
  - (c) should not have a community council, whether separate or common;and shall, if they think fit, make proposals accordingly.
- 3 In considering whether to formulate proposals under paragraph 1 or 2 above the Welsh Commission shall have regard to the wishes of the inhabitants of the areas in question.
- 4 If in conducting the special community review the Welsh Commission consider it desirable that a poll of local government electors of a community or part of a community should be taken on any question, they may arrange for such a poll to be

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taken and paragraphs 34(5), 37 and 38 of Schedule 12 to this Act shall apply to the poll as they apply to a poll consequent on a community meeting.

5 In conducting the special community review the Welsh Commission shall also review the electoral arrangements for every community, having regard to any proposals which they propose to make in relation to the community under paragraph 1 or 2 above and also to the desirability of making any change in those arrangements apart from those proposals and shall make such proposals, if any, as they think fit with respect to those arrangements.

6 Without prejudice to any direction given by the Secretary of State under section 59 above, where in the course of the special community review the Welsh Commission are of the opinion that they are in a position to submit to the Secretary of State a report on the review of any part of Wales, they shall submit a report to him on the review of that part of Wales, together with the proposals they have formulated thereon or, as the case may be, a notification that they have no proposals to put forward thereon.

7 On receipt of a report under paragraph 6 above the Secretary of State shall either make an order giving effect to any proposals of the Welsh Commission submitted with the report (whether as submitted or with modifications) or make an order providing for the continuation of the existing arrangements applicable to the community or communities in question.

8 If in relation to any area the Secretary of State decides to make an order under paragraph 7 above giving effect with modifications to any of the Welsh Commission's proposals with respect to the boundaries of communities or the establishment of community councils, he may, if he thinks fit, direct the Commission to conduct a review or further review, as the case may be, of the electoral arrangements for the whole or part of that area and to make revised proposals with respect to those arrangements within a time specified in the direction.

9 The following provisions of this Act, that is to say, sections 59, 60(1), (2), (5), (6) and (7), 61, 65, 67, 68, 69 and 78 shall apply in relation to the special community review and any order made in consequence thereof as they apply in relation to a review under Part IV of this Act and any order made in consequence thereof.

*Review of electoral arrangements for districts, etc.*

10 As soon as practicable after the completion of the special community review so far as it relates to any district, the Welsh Commission shall review the electoral arrangements for that district for the purpose of considering future electoral arrangements for the district and shall formulate proposals for those arrangements accordingly.

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- 11 For the purposes of paragraph 10 and section 55(2) above the special community review shall be taken to have been completed so far as it relates to any district when the Secretary of State announces his final decision on the last of the orders which he proposes to make under paragraph 7 above with respect to the communities in that district.
- 12 The provisions of Part IV of this Act shall apply to a review under paragraph 10 above as they apply to a review under section 57 above, but in its application to a review under that paragraph section 58 above shall have effect as if it required—
- (a) the Welsh Commission to submit a report for any district before such date as the Secretary of State may direct, and
  - (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 10 above (whether as submitted to him or with modifications).

*Review of electoral arrangements for counties*

- 13 As soon as practicable after the last order has been made under section 58 above by virtue of paragraph 12 above in relation to the districts in a county the Welsh Commission shall review the electoral arrangements for that county for the purpose of considering future electoral arrangements for the county and shall formulate proposals for those arrangements accordingly.
- 14 The provisions of Part IV of this Act shall apply to a review under paragraph 13 above as they apply to a review under section 57 above, but in its application to a review under that paragraph section 58 above shall have effect as if it required—
- (a) the Welsh Commission to submit a report for any county before such date as the Secretary of State may direct, and
  - (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 13 above (whether as submitted to him or with modifications).

*Supplemental*

- 15 Nothing in this Schedule shall be construed as empowering the making of any alteration to the boundaries between any county in England and any county in Wales.

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SCHEDULE 11 **E+W**

Section 78.

RULES TO BE OBSERVED IN CONSIDERING ELECTORAL ARRANGEMENTS

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

C577 Sch. 11 applied (6.3.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(2\)](#)

*Counties*

- 1 (1) This paragraph applies to the consideration by the Secretary of State or either of the Commissions of the electoral arrangements for elections of county councillors.
- (2) Having regard to any change in the number or distribution of the local government electors of the county likely to take place within the period of five years immediately following the consideration—
  - (a) the number of local government electors shall be, as nearly as may be, the same in every electoral division of the county;
  - (b) every electoral division shall lie wholly within a single district;
  - (c) every ward of a parish or community having a parish or community council (whether separate or common) shall lie wholly within a single electoral division; and
  - (d) every parish or community which is not divided into parish or community wards shall lie wholly within a single electoral division.
- (3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to—
  - (a) the desirability of fixing boundaries which are and will remain easily identifiable;
  - (b) any local ties which would be broken by the fixing of any particular boundary; and
  - (c) the boundaries of the wards of the districts in the county.

F464 .....

2

**Textual Amendments**

F464 Sch. 11 para. 2 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 17](#)

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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VALID FROM 05/07/1994

*<sup>F465</sup>Welsh counties and county boroughs]*

**Textual Amendments**

**F465** Sch. 11 para. 1A and preceding cross-heading inserted (5.7.1994) by 1994 c. 19, ss. 7(3), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

- <sup>F466</sup>1A(1) This paragraph applies to the consideration by the Secretary of State or the Welsh Commission of the electoral arrangements for elections of councillors for principal areas in Wales.
- (2) Subject to any direction under sub-paragraph (3) below, the Welsh Commission shall, when considering the arrangements for elections of councillors for any principal area in Wales, provide for there to be a single member for each electoral division.
  - (3) The Secretary of State may give a direction to the Welsh Commission requiring it to consider the desirability of providing for multi-member electoral divisions for the area to which the direction relates (which may be the whole or a specified part of a principal area in Wales).
  - (4) For the purposes of this paragraph, an electoral division is a multi-member division if the arrangements made for the elections of councillors provide for a specified number of councillors (greater than one) to be elected for that division.
  - (5) Having regard to any change in the number or distribution of the local government electors of the principal area likely to take place within the period of five years immediately following the consideration—
    - (a) subject to paragraph (b), the number of local government electors shall be, as nearly as may be, the same in every electoral division in the principal area;
    - (b) where there are one or more multi-member divisions, the ratio of the number of local government electors to the number of councillors to be elected shall be, as nearly as may be, the same in every electoral division in the principal area (including any that are not multi-member divisions);
    - (c) every ward of a community having a community council (whether separate or common) shall lie wholly within a single electoral division; and
    - (d) every community which is not divided into community wards shall lie wholly within a single electoral division.
  - (6) Subject to sub-paragraph (5) above, in considering the electoral arrangements referred to in sub-paragraph (1) above, regard shall be had to—
    - (a) the desirability of fixing boundaries which are and will remain easily identifiable; and
    - (b) any local ties which would be broken by the fixing of any particular boundary.]

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#### Textual Amendments

**F466** Sch. 11 para. 1A inserted (5.7.1994) by 1994 c. 19, ss. 7(3), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

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

**C578** Sch. 11 para. 1A: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise prosp.) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))

F467<sup>2</sup> .....

#### Textual Amendments

**F467** Sch. 11 para. 2 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

### *Districts and London boroughs*

- 3
- (1) This paragraph applies to the consideration by the Secretary of State or either of the Commissions of the electoral arrangements for elections of councillors of a district or London borough.
  - (2) Having regard to any change in the number or distribution of the local government electors of the district or borough likely to take place within the period of five years immediately following the consideration—
    - (a) the ratio of the number of local government electors to the number of councillors to be elected shall be, as nearly as may be, the same in every ward of the district or borough;
    - (b) in a district every ward of a parish or community having a parish or community council (whether separate or common) shall lie wholly within a single ward of the district;
    - (c) in a district every parish or community which is not divided into parish or community wards shall lie wholly within a single ward of the district.
  - (3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above, regard shall be had to—
    - (a) the desirability of fixing boundaries which are and will remain easily identifiable; and
    - (b) any local ties which would be broken by the fixing of any particular boundary.

### *Parishes and communities*

- 4
- (1) This paragraph applies to the consideration by the Secretary of State, by either of the Commissions or by a district council of the electoral arrangements for a parish or community having a parish or community council (whether separate or common).
  - (2) In considering whether any such parish or community is to be divided into parish or community wards, regard shall be had to the questions whether—



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- (a) the number or distribution of the local government electors for the parish or community is such as to make a single election of parish or community councillors impracticable or inconvenient; and
  - (b) it is desirable that any area or areas of the parish or community should be separately represented on the parish or community council.
- (3) Where it is decided to divide any such parish or community into parish or community wards, in considering the size and boundaries of the wards and in fixing the number of parish or community councillors to be elected for each ward, regard shall be had to—
- (a) any change in the number or distribution of the local government electors of the parish or community which is likely to take place within the period of five years immediately following the consideration;
  - (b) the desirability of fixing boundaries which are and will remain easily identifiable; and
  - (c) any local ties which will be broken by the fixing of any particular boundaries.
- (4) Where it is decided not to divide the parish or community into parish or community wards, in fixing the number of councillors to be elected for each parish or community regard shall be had to the number and distribution of the local government electors of the parish or community and any change in either which is likely to take place within the period of five years immediately following the fixing of the number of parish or community councillors.

F468<sup>5</sup> .....

#### Textual Amendments

**F468** Sch. 11 para. 5 (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), **Sch. 9 Pt. II para. 2(8)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

## SCHEDULE 12 **E+W**

Section 99.

### MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

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

**C579** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), **art. 6**

**C580** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 86(9)**

**C581** Sch. 12 modified by [S.I. 1987/2110](#), **art. 2(2)**, **Sch. 1 para. 2(4)**

**C582** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), **s. 160(2)**

Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4(a)(ii)**; [S.I. 1997/1930](#), **art. 2(1)(2)(m)**

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**PART I E+W**

**PRINCIPAL COUNCILS**

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

- C583** Sch. 12 Pt.I applied (07.08.1991) by [S.I.1991/1773](#), arts. 6, 8, [Sch. 1](#).  
 Sch. 12 Pt.I: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), arts. 6, 8, [Sch.1](#).
- C584** Sch. 12 Pt.I applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).  
 Sch. 12 Pt.I: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).

- 1 (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council . . . <sup>F469</sup> shall be held—
  - (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
  - (b) in any other year, on such day in the month of March, April or May as the council may fix.
- (3) . . . . . <sup>F470</sup>
- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

**Textual Amendments**

- F469** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F470** Sch. 12 para. 1(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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

- C585** Sch. 12 para. 1 applied (with modifications) (1.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28, para. 10\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), arts. [3\(a\)\(b\)](#), [4\(a\)\(g\)](#)
- C586** Sch. 12 para. 1(2)(b) modified (10.4.2001 with effect for the year 2001) by [2001 c. 7, s. 1\(6\)](#)

- 2 (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.

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

- C587** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), arts. [3\(a\)\(b\)](#), [4\(a\)\(g\)](#)

- 3 (1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.

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- (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed <sup>F471</sup> . . . by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then <sup>F471</sup> . . . any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

#### Textual Amendments

**F471** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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

**C588** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 4 (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
- (2) Three clear days at least before a meeting of a principal council—
- (a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
  - (b) a summons to attend the meeting, specifying the business to be transacted thereat, and signed by the proper officer of the council, shall, subject to subparagraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.
- (3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.
- (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

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

**C589** Sch. 12 paras. 2-5 applied (with modifications) (1.5.2000 for specified purposes and 3.7.2000 otherwise) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

**C590** Sch. 12 para. 4(2) excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 86\(9\)](#)

**C591** Sch. 12 para. 4(2) restricted by [S.I. 1985/1884, art. 11\(3\)](#)

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[<sup>F472</sup>4A(1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.

(2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F472** Sch. 12 para. 4A inserted (1.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 98(1)(2), 108(4); S.I. 2000/2187, art. 3

- 5 (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then—
- ... <sup>F473</sup>, the vice-chairman of the council, if present, shall preside;
  - ..... <sup>F474</sup>
  - in the case of a London borough council, the deputy mayor, if at that time he remains a councillor ... <sup>F475</sup> and is chosen for that purpose by the members of the council then present, shall preside.
- (3) If—
- in the case of a principal council ... <sup>F476</sup>, both the chairman and vice-chairman of the council are absent from a meeting of the council;
  - ..... <sup>F477</sup>
  - in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;
- another member of the council chosen by the members of the council present shall preside.

#### Textual Amendments

**F473** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F474** Sch. 12 para. 5(2)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F475** Words repealed by S.I. 1977/1710, art. 3(c)

**F476** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

**F477** Sch. 12 para. (3)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

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

**C592** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, Sch. 28 para. 10(2) (with Sch. 12 para. 9(1)); S.I. 2000/1094, arts. 3(a)(b), 4(a)(g)

- 6 Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

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

**C593** Sch. 12 para. 6 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. II

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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## [<sup>F478</sup>PART IA E+W

### JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY]

#### Textual Amendments

**F478** Sch. 12 Pt. IA inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 35(2)**

[<sup>F479</sup>6A(1) Paragraph 1 above applies to a joint authority as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.

(2) .....<sup>F480</sup>]

#### Textual Amendments

**F479** Sch. 12 para. 6A substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 10(3)

**F480** Sch. 12 para. 6A(2) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C594** Sch. 12 para. 6A amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**

**C595** Sch. 12 para. 6A modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

6B The other provisions of Part I of this Schedule shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that the number of members mentioned in paragraph 3(2) shall be three members in the case of a joint authority . . .<sup>F481</sup>

#### Textual Amendments

**F481** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C596** Sch. 12 para. 6B modified by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 3(c)** and by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

## PART II E+W

### PARISH COUNCILS

- 7 (1) A parish council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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- (3) The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

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

C597 Sch. 12 para. 7(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630](#), [art. 3](#)

- 8 (1) A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.
- 9 (1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 10 (1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.
- (2) Three clear days at least before a meeting of a parish council—
- (a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

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

C598 Sch. 12 para. 10 applied (4.3.1996) by [S.I. 1996/263](#), [reg. 8\(5\)](#)

- 11 (1) At a meeting of a parish council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

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- (3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.
- 12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 13 (1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a parish council shall be by a show of hands.
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

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

**C599** Sch. 12 para. 13(1) applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 8(5), 9(7)

**PART III E+W**

PARISH MEETINGS

- 14 (1) The parish meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.
- (2) Subject to sub-paragraph (1) above and to sub-paragraph (3) below, parish meetings shall be held on such days and at such times as may be fixed by the parish council or, if there is no parish council, by the chairman of the parish meeting.
- (3) In a parish which does not have a separate parish council the parish meeting shall, subject to any provision made by a grouping order, assemble at least twice in every year.
- (4) The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening.
- (5) A parish meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

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

**C600** Sch. 12 para. 14(1) modified (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), art. 4(3)

- 15 (1) A parish meeting may be convened by—
- (a) the chairman of the parish council, or
- (b) any two parish councillors for the parish, or

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- (c) where there is no parish council, the chairman of the parish meeting or any person representing the parish on the district council, or
  - (d) any six local government electors for the parish.
- (2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a parish meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.
- (3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a parish meeting relates to—
  - (a) the establishment or dissolution of a parish council, or
  - (b) the grouping of the parish with another parish or parishes under a common parish council.
- (4) Public notice of a parish meeting shall be given—
  - (a) by posting a notice of the meeting in some conspicuous place or places in the parish, and
  - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
- 16 The chairman of a parish council shall be entitled to attend a parish meeting for the parish (or, where a grouping order is in force, for any of the parishes comprised in the group) whether or not he is a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.
- 17 (1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.
- (2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.
- (3) If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.
- 18 (1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- (4) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.



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- (5) A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under [F482 section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act] shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.
- (6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

#### Textual Amendments

**F482** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 14](#)

- 19 (1) Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.
- 20 (1) Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.
- (2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.
- 21 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determined.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 22 If any person, in a poll consequent on a parish meeting—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
  - (b) without due authority supplies a ballot paper to any person; or
  - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
  - (d) fraudulently takes out of the polling station any ballot paper; or

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- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;

he shall—

- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
- (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

## PART IV **E+W**

### COMMUNITY COUNCILS

- 23 (1) A community council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of community councillors, the annual meeting of a community council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the community council may determine.
- (3) The annual meeting of a community council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

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

**C601** Sch. 12 para. 23(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630, art. 4](#)

- 24 (1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.
- (2) Any of those other meetings shall be held at such hour and on such day as the council may determine.
- 25 (1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 26 (1) Meetings of the community council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.

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- (2) Three clear days at least before a meeting of a community council—
- (a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
  - (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.
- 27 (1) At a meeting of a community council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.
- 28 Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 29 (1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a community council shall be by a show of hands.
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

## PART V **E+W**

### COMMUNITY MEETINGS

- 30 (1) A community meeting may be convened at any time—
- (a) in a case where there is a community council, by the chairman of the council or by any two councillors representing the community on the council, and
  - (b) in any case, by any six local government electors for the community.
- (2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a community meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.
- (3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a community meeting relates to—

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- (a) the establishment or dissolution of a community council, or
  - (b) the grouping of the community with another community or communities under a common community council.
- (4) Public notice of a community meeting shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the community, and
  - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
- 31 The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.
- 32 (1) The proceedings at a community meeting shall not commence earlier than 6 o'clock in the evening.
- (2) A community meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.
- 33 (1) In a community for which there is a community council, the chairman of the council, if present, shall preside at a community meeting.
- (2) In any other case, a community meeting shall appoint a person to be chairman at that meeting.
- 34 (1) Subject to the provisions of this Act, each local government elector may, at a community meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a community meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- (4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.
- (5) A poll consequent on a community meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to elections of community councillors under section 42 above and of the enactments mentioned in section 165(1) of the <sup>M173</sup>Representation of the People Act 1949 shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of community councillors.

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- (6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

**Marginal Citations**

M173 1949 c. 68.

- 35 (1) Minutes of the proceedings of a community meeting shall be drawn up and entered in a book provided for the purpose by the proper officer of the community council where there is one or, where there is not, the proper officer of the council of the district in which the community is situated and shall be signed at the conclusion of the community meeting by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Until the contrary is proved, a community meeting in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.
- 36 Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.
- 37 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a community meeting on such terms and conditions as the Treasury may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 38 If any person, in a poll consequent on a community meeting—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
  - (b) without due authority supplies a ballot paper to any person; or
  - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
  - (d) fraudulently takes out of the polling station any ballot paper; or
  - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—
- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
  - (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

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## PART VI **E+W**

### PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

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

- C602** Sch. 12 Pt. VI applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.  
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.
- C603** Sch. 12 Pt. VI applied (07.08.1991) by S.I.1991/1773, art. 6, 8, **Sch. 1**.  
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (07.08.1991) by S.I.1991/1773, arts. 6, 8, **Sch. 1**.
- C604** Sch. 12 Pt. VI (paras. 39–45) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 1(7), 23(2), 27(2), **Sch. 1 para. 4(8)**  
Sch. 12 Pt. VI (paras. 39–45) extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(a)**  
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**; S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**  
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**  
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**  
Sch. 12 Pt. VI applied (1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 10(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, arts. 3(a)(b), 4(a)(g)
- C605** Sch. 12 Pt. 6 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), arts. 1(2), 2, **Sch. para. 15**

- 39 (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

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

- C606** Sch. 12 paras. 39–43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**  
Sch. 12 paras. 39–44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C607** Sch. 12 paras. 39–44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C608** Sch. 12 paras. 39–43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)
- C609** Sch. 12 para. 39(1) excluded (3.7.2000) by 1999 c. 29, s. 244(8)(b) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

- 40 The names of the members present at a meeting of a local authority shall be recorded.

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

- C610** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**  
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C611** Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), regs. 8(5), 9(7)
- C612** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 41 (1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next <sup>F483</sup>[suitable] meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next <sup>F483</sup>[suitable] meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- <sup>F484</sup>(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.]

#### Textual Amendments

- F483** Words in Sch. 12 para. 41(1)(2) substituted (8.5.1992) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 30**; S.I. 1992/760, **art.2**.
- F484** Sch. 12 para. 41(4) inserted (8.5.1992) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 30**; S.I. 1992/760, **art.2**.

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

- C613** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**  
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C614** Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), regs. 8(5), 9(7)
- C615** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009](#) (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 42 Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

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

- C616** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**  
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**  
Sch. 12 para. 42 applied (10.5.2000) by S.I. 2000/1095, **art. 6(5)(d)**  
Sch. 12 para. 42: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1), Sch. 1**
- C617** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C618** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 43 The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

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

- C619** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**  
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C620** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C621** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 44 (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

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

- C622** Sch. 12 para. 44 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**  
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**  
Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), **Sch. 16 para. 15(2)**  
Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch.33 Pt. II para. 15(2)**
- C623** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)

- 45 Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.



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[<sup>F485</sup>46 In this Part of this Schedule “local authority” includes a joint authority . . . <sup>F486</sup> and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.]

#### Textual Amendments

**F485** Sch. 12 para. 46 inserted by Local Government Act 1985 (c. 51, SIF 81:1, 2), s. 84, **Sch. 14 Pt. I para. 35(3)**

**F486** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

**C624** Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**

**C625** Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

## [<sup>F487</sup>SCHEDULE 12A **E+W**

### ACCESS TO INFORMATION: EXEMPT INFORMATION]

#### Textual Amendments

**F487** Sch. 12A inserted (E.W.) by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(2), **Sch. 1 Pt. I**

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

**C626** Sch. 12A extended (with modifications) by Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), ss. 2(4), 4(2)(3)(4)

**C627** Sch. 12A modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), s. 1(6) (as amended (1.4.2004) by 2003 (c. 43), s. 184, Sch. 11 para. 51; S.I. 2004/288, art. 5(2)(t); S.I. 2004/480, art. 4(2)(x); and as modified (1.4.2004) by S.I. 2004/865, **art. 109(2)(b)**)

**C628** Sch. 12A applied (with modifications) (28.6.1995) by 1995 c. iii, s. 26, **Sch. 1**

Sch. 12A applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26, 27**

Sch. 12A applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch 2 para. 1(4)(5)**

Sch. 12A applied (with modifications) (30.6.2003) by S.I. 2001/2812, reg. 7(4) (as inserted by S.I. 2003/1483, **reg. 3(3)**)

## PART I **E+W**

### DESCRIPTION OF EXEMPT INFORMATION

1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

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- 2 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by—
- (a) a magistrates' court committee, within the meaning of section 19 of the Justices of the Peace Act <sup>M174</sup>1979; or
  - (b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act <sup>M175</sup>1973.

#### Marginal Citations

**M174** 1979 c.55(82).

**M175** 1973 c.62(39:1)

VALID FROM 01/04/2001

- [<sup>F488</sup>2A Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.]

#### Textual Amendments

**F488** Sch. 12A para. 2A inserted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 para. 46(c); S.I. 2001/919, art. 2(f)(ii)

- 3 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- 4 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- 5 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- 6 Information relating to the adoption, care, fostering or education of any particular child.
- 7 Information relating to the financial or business affairs of any particular person (other than the authority).
- 8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

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- 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
- 10 The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.
- 11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
- 12 Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—
  - (a) any legal proceedings by or against the authority, or
  - (b) the determination of any matter affecting the authority,(whether, in either case, proceedings have been commenced or are in contemplation).
- 13 Information which, if disclosed to the public, would reveal that the authority proposes—
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- 14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 15 The identity of a protected informant.

## PART II **E+W**

### QUALIFICATIONS

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

**C629** Sch. 12A Pt. 2 applied (with modifications) by S.I. 2001/2812, reg. 7(4) (as substituted (1.3.2006) by The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (S.I. 2006/87), reg. 2(b))

- 1 Information relating to a person of a description specified in any of paragraphs 1 to 5 of Part I above is not exempt information by virtue of that paragraph unless it relates to an individual of that description in the capacity indicated by the description.

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- 2 Information falling within paragraph 7 of Part I above is not exempt information by virtue of that paragraph if it is required to be registered under—
- (a) the <sup>M176</sup>Companies Act 1985;
  - (b) the <sup>M177</sup>Friendly Societies Act 1974;
  - (c) the Industrial and Provident Societies Acts 1965 to 1978;
  - (d) the <sup>M178</sup>Building Societies Act [<sup>F489</sup>1986]; or
  - (e) the <sup>M179</sup>Charities Act 1960.

#### Textual Amendments

**F489** Word “1986” substituted for word “1962” by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), ss. 120, 126(3), [Sch. 18 para. 9](#)

#### Marginal Citations

**M176** 1985 c.6(27).  
**M177** 1974 c.46(55).  
**M178** 1962 c.37(16).  
**M179** 1960 c.58(19).

- 3 Information falling within paragraph 8 of Part I above is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against other such persons.
- 4 Information falling within paragraph 9 of Part I above is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.
- 5 Information falling within paragraph 11 of Part I above is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.
- 6 Information falling within paragraph 13 of Part I above is exempt information if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
- [<sup>F490</sup>7 Information falling within any paragraph of Part I above is not exempt information by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 (S.I. 1992 No. 1492).]

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### Textual Amendments

**F490** Sch. 12A Pt. II para. 7 added (17.7.1992) by S.I. 1992/1497, **art.2**.

## PART III **E+W**

### INTERPRETATION

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

**C630** Sch. 12A Pt. 3 applied (with modifications) by S.I. 2001/2812, reg. 7(4) (as substituted (1.3.2006) by The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (S.I. 2006/87), **reg. 2(b)**)

#### 1 (1) In this Schedule—

“child” means a person under the age of eighteen years and any person who has attained that age and—

- (a) is registered as a pupil at a school; or
- (b) is the subject of a care order, within the meaning of [<sup>F491</sup>section 20 of the <sup>M180</sup>Children and Young Persons Act 1969][<sup>F491</sup>section 31 of the Children Act 1989];

“disposal”, in relation to property, includes the granting of an interest in or right over it;

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 29(1) of the <sup>M181</sup>Trade Union and Labour Relations Act 1974 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“protected informant” means a person giving the authority information which tends to show that—

- (a) a criminal offence,
- (b) a breach of statutory duty,
- (c) a breach of planning control, as defined in [<sup>F492</sup>section [<sup>F493</sup>171A] of the <sup>M182</sup>Town and Country Planning Act 1990], or
- (d) a nuisance,

has been, is being or is about to be committed;

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[<sup>F494</sup>“registered”, in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act);]

“tender for a contract” includes a written statement prepared by the authority in pursuance of section 9(2) of the <sup>M183</sup>Local Government, Planning and Land Act 1980 (estimated cost of carrying out functional work by direct labour).

- (2) Any reference in this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—
- (a) in the case of a principal council, to any committee or sub-committee of the council; and
  - (b) in the case of a committee, to—
    - (i) any constituent principal council;
    - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
    - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
  - (c) in the case of a sub-committee, to—
    - (i) the committee, or any of the committees, of which it is a sub-committee; and
    - (ii) any principal council which falls within paragraph (b) above in relation to that committee.

#### Textual Amendments

- F491** Words “section 31 of the Children Act 1989” substituted (*14.10.1991*) for the words “section 20 of the Children and Young Persons Act 1969” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5), [Sch. 13 para. 31\(2\)](#); S.I.1991/828, [art.3\(2\)](#)
- F492** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(4\)](#)
- F493** Words in [Sch. 12A, Pt. III](#) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, [Sch. 7, para. 2](#); S.I. 1991/2905, [art.3](#), [Sch. 1](#)
- F494** Words inserted (E.W.) by [Building Societies Act 1986 \(c. 53, SIF:16\)](#), ss. 120, 126(3), [Sch. 18 para. 9\(b\)](#)

#### Marginal Citations

- M180** 1969 c.54(20).
- M181** 1974 c.52 (43:5).
- M182** 1990 c.8(123:1).
- M183** 1980 c.65 (81:1,2).

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VALID FROM 27/11/2003

<sup>F495</sup>SCHEDULE  
12B **E+W**

Section 137(4)(a)

APPROPRIATE SUM UNDER SECTION 137(4)

**Textual Amendments**

**F495** Sch. 12B inserted (27.11.2003 for W. and 1.4.2004 for E.) by [Local Government Act 2003 \(c. 26\)](#), [ss. 118\(2\), 128](#); [S.I. 2003/3034, art. 2, Sch. 1 Pt. 1](#); [S.I. 2003/2938, art. 7\(a\)](#) (subject to [art. 8, Sch.](#))

1 This Schedule has effect to determine for the purposes of section 137(4)(a) above the sum that is for the time being appropriate to a local authority.

2 The sum appropriate to the local authority for the financial year in which section 118 of the Local Government Act 2003 comes into force is £5.00.

3 (1) For each subsequent financial year, the sum appropriate to the local authority is the greater of the sum appropriate to the authority for the financial year preceding the year concerned and the sum produced by the following formula—

$$\frac{A \times B}{C}$$

(2) A is the sum appropriate to the local authority for the financial year preceding the year concerned.

(3) B is the retail prices index for September of the financial year preceding the year concerned.

(4) C is the retail prices index for September of the financial year which precedes that preceding the year concerned except where sub-paragraph (5) below applies.

(5) Where the base month for the retail prices index for September of the financial year mentioned in sub-paragraph (4) above (the first year) differs from that for the index for September of the financial year mentioned in sub-paragraph (3) above (the second year), C is the figure which the Secretary of State calculates would have been the retail prices index for September of the first year if the base month for that index had been the same as the base month for the index for September of the second year.

(6) References in sub-paragraphs (3) to (5) above to the retail prices index are to the general index of retail prices (for all items) published by the Office for National Statistics.

(7) If that index is not published for a month for which it is relevant for the purposes of any of those sub-paragraphs, the sub-paragraph shall be taken to refer to any substituted index or index figures published by that Office.

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- (8) For the purposes of sub-paragraph (5) above, the base month for the retail prices index for September of a particular year is the month—
    - (a) for which the retail prices index is taken to be 100, and
    - (b) by reference to which the index for the September in question is calculated.
  - (9) In calculating the sum produced by the formula in sub-paragraph (1) above a part of a whole (if any) shall be calculated to two decimal places only—
    - (a) adding one hundredth where (apart from this sub-paragraph) there would be five, or more than five, one-thousandths, and
    - (b) ignoring the one-thousandths where (apart from this sub-paragraph) there would be less than five one-thousandths.
- 4 Before the beginning of a financial year, the appropriate person may by order provide for a different sum to have effect as the sum appropriate to a local authority for the year in place of the sum calculated for the year in accordance with paragraph 3 above.
- 5 In paragraph 4 above “the appropriate person” means—
  - (a) as respects England, the Secretary of State;
  - (b) as respects Wales, the National Assembly for Wales.
- 6 An order under paragraph 4 above may make different provision in relation to local authorities of different descriptions.
- 7 An order under paragraph 4 above made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

SCHEDULE 13 **E+W**

Section 172.

LOANS AND OTHER FINANCIAL PROVISIONS

**PART I E+W**

F496 1–22 .....

**Textual Amendments**

**F496** Sch. 13 Pt. I (paras. 1–22) repealed (with savings in S.I. 1990/431, art. 4, **Sch. 1 para. 1(a)**) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

**PART II E+W**

AMENDMENTS WITH RESPECT TO FINANCE AND RATING

F497 23 .....



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**Textual Amendments**

**F497** Sch. 13 para. 23 repealed by S.I. 1990/776, art. 3, **Sch. 1**

*The Rural Water Supplies and Sewerage Act 1944*

24 <sup>F498</sup> .....

**Textual Amendments**

**F498** Sch. 13, para. 24 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), **Sch. 3 Pt I**.

*Parish Councils Act 1957*

25 <sup>F499</sup> .....

**Textual Amendments**

**F499** Sch. 13, para. 25 repealed (21. 8. 1998) by S.I.1991/1730, arts. 1, 2(1), **Sch. 1**.

<sup>F500</sup>26 .....

**Textual Amendments**

**F500** Sch. 13 para. 26 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**

<sup>F501</sup>27 .....

**Textual Amendments**

**F501** Sch. 13 para. 27 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

*The <sup>M184</sup>General Rate Act 1967*

**Marginal Citations**

**M184** 1967 c. 9.

28 (1) The <sup>M185</sup>General Rate Act 1967 shall be amended in accordance with the following provisions of this paragraph.

<sup>X3</sup>(2) In section 2(2) for the words “rural district council” in both places where they occur, and in section 5(1)(e) for those words, there shall be substituted the words “ district council ”.

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- <sup>x3</sup>(3) In section 38(4), for the word “counties” there shall be substituted the words “ non-metropolitan counties and metropolitan districts ”.
- <sup>x3</sup>(4) In section 67(2)(b) for sub-paragraphs (ii) and (iii) there shall be substituted the following paragraph:—  
“ (ii) in respect of any rating district.”
- <sup>x3</sup>(5) In section 112, the words “or urban district”, “or district” and “rural” shall cease to have effect.
- <sup>x3</sup>(6) In section 115, for the definition of “rating district” there shall be substituted the following definition:—  
“ “rating district” means—  
(a) as respects Greater London, a rating area or, subject to paragraph 8(1)(b) of Schedule 4 to this Act, any part of a rating area which is subject to separate or differential rating (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947);  
(b) except as respects Greater London—  
(i) any part of a rating area which is subject to separate or differential rating ;  
(ii) in a parish or community part of which is so subject, the part which is not so subject;  
(iii) a parish no part of which is so subject ;  
(iv) a community which is not co-extensive with the area of a district and no part of which is so subject ;  
(v) any part of a rating area in England not falling within sub-paragraph (i), (ii) or (iii) above”;

**Editorial Information**

**X3** The text of Sch. 13 paras. 24, 25, 28(2)–(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M185** 1967 c. 9.

- 29 (1) Sections 88, 89 and 91 of the said Act of 1967 shall have effect subject to the following provisions of this paragraph.
- (2) It shall be the duty of every new county council to make and submit to the Secretary of State not later than a date prescribed for the purposes of this sub-paragraph a scheme for the constitution of a local valuation panel for the county or two or more local valuation panels for areas which together comprise the whole of the county.
- (3) A county council may discharge the said duty by making and submitting to the Secretary of State a joint scheme with one or more other county councils for the constitution of a local valuation panel or local valuation panels for the whole of

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their respective counties, or for areas which together comprise the whole of their respective counties.

- (4) A scheme under this paragraph shall be treated for all purposes as having been made under section 91(1)(a) of the said Act of 1967 and submitted to the Secretary of State under section 91(3) of that Act.
- (5) Any such scheme approved by the Secretary of State under section 91(5) of that Act shall not come into operation until a date prescribed for the purposes of this sub-paragraph.
- (6) Any scheme in force for the purposes of section 88 of that Act immediately before 1st April 1974 for an existing county or county borough shall, notwithstanding the abolition or alteration of the county or borough but subject to section 91(1) of that Act, continue in force until a date prescribed for the purposes of this sub-paragraph and shall then expire.
- (7) Any vacancy occurring before the date prescribed for the purposes of this sub-paragraph in the membership of a local valuation panel constituted under a scheme continued in force by sub-paragraph (6) above shall—
  - (a) if the area for which the panel is constituted is co-extensive with or wholly comprised in the area of a new county, be filled by a person appointed by the council of that county;
  - (b) otherwise, be filled by a person appointed jointly by the councils for those counties which include any part of the area for which the panel is constituted.

## SCHEDULE 14 **E+W**

Section 180.

### AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

#### PART I **E+W**

#### THE <sup>M186</sup>PUBLIC HEALTH ACT 1936

##### Marginal Citations

<sup>M186</sup> 1936 c. 49.

<sup>x41</sup> For section 1 there shall be substituted the following section—

“1 (1) Subject to the provisions of this Act with respect to certain special authorities, districts and areas, it shall be the duty of the following authorities to carry this Act into execution, that is to say—

- (a) in a county, the county council as respects certain matters and the district councils as respects all other matters, without prejudice, however, to the exercise by a parish or community council of any powers conferred upon such councils;
- (b) in a London borough, the borough council;
- (c) in the City of London, the Common Council; and

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(d) in the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer thereof respectively.”

**Editorial Information**  
**X4** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

2 Any reference to an urban authority or rural authority shall be construed as a reference to a local authority.

3 Proviso (a) to section 7(1) shall cease to have effect.

**Modifications etc. (not altering text)**  
**C631** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 Without prejudice to paragraph 2 above, the following provisions, that is to say, sections <sup>F502</sup> . . . [<sup>F503</sup>79, 80], <sup>F504</sup> . . . , 263 and 264 shall apply throughout the district of every local authority.

**Textual Amendments**  
**F502** “41, 46,” repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)  
**F503** Words repealed (*prosp.*) by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), [Sch. 4](#)  
**F504** Words repealed by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. III](#)

<sup>F505</sup>5–7 . . . . .

**Textual Amendments**  
**F505** [Sch. 14 paras. 5–7](#) repealed by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), [Sch. 4](#)  
<sup>F506</sup>8 . . . . .

**Textual Amendments**  
**F506** [Sch. 14 para. 8](#) repealed by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), s. 109(2), [Sch. 4](#)

<sup>x59</sup> (1) For sections 87(1) and (2) there shall be substituted the following subsections:—  
“(1) A county council, the Greater London Council, a local authority or a parish or community council may, subject to subsection (2) of this section, provide sanitary conveniences in proper and convenient situations.

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(2) Any such council or authority shall not provide any such convenience in or under a highway or proposed highway for which they are not the highway authority without the consent of the highway authority.”

(2) In section 87(3) for the words “a county council or local” there shall be substituted the words “ any such council or ”.

**Editorial Information**

**X5** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F507 10 .....

**Textual Amendments**

**F507** Sch. 14 para. 10 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

F508 11 .....

**Textual Amendments**

**F508** Sch. 14 para. 11 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

F509 12 .....

**Textual Amendments**

**F509** Sch. 14 para. 12 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

F510 13,  
14. ....

**Textual Amendments**

**F510** Sch. 14 paras. 13, 14 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 78, 79, **Sch. 3**

F511 15,  
16. ....

**Textual Amendments**

**F511** Sch. 14 paras. 15, 16 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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F512 17 . . . . .

**Textual Amendments**

**F512** Sch. 14 paras. 17, 48 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

18 The powers conferred by Part VIII on local authorities within the meaning of the <sup>M187</sup>Public Health Act 1936 shall be exercisable not only by such authorities but also by all local authorities within the meaning of this Act, whether or not they are local authorities within the meaning of that Act, and references in that Part to a local authority shall be construed accordingly.

**Marginal Citations**

**M187** 1936 c. 49.

19 All directions in force under section 267(1)(c) immediately before 1st April 1974 shall cease to have effect.

20 Any reference in section 278 to a local authority shall include a reference to a county council <sup>F513</sup> . . .

**Textual Amendments**

**F513** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

21 Section 321 shall cease to have effect.

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

**C632** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x622</sup> In section 343 for the definition of contributory place there shall be substituted the following definition:— “ “contributory place” means a rating district within the meaning of the General Rate Act 1967. ”.

**Editorial Information**

**X6** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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## PART II **E+W**

### OTHER ENACTMENTS

#### *Public Health Acts 1875 to 1925*

- 23 Subject to the following provisions of this Schedule and the provisions of Schedule 26 to this Act, all the provisions of the Public Health Acts 1875 to 1925 shall extend throughout England and Wales, whether or not they so extended immediately before 1st April 1974.
- 24 Paragraph 23 above shall not apply to the following enactments, that is to say—
- (a) so much of section 160 of the <sup>M188</sup>Public Health Act 1875 as incorporates the provisions of the <sup>M189</sup>Towns Improvement Clauses Act 1847 with respect to the naming of streets (hereafter in this Schedule referred to as “the original street-naming enactment”);
  - (b) section 171(4) of the said Act of 1875;
  - <sup>F514</sup>(c) . . . . .
  - (d) sections 21, 82, 83 and 85 of the <sup>M190</sup>Public Health Acts Amendment Act 1907; and
  - (e) sections 17 to 19 and 76 of the <sup>M191</sup>Public Health Act 1925;
- and those enactments shall, subject to paragraph 25 below, apply to those areas, and only those, to which they applied immediately before 1st April 1974.

#### **Textual Amendments**

**F514** Sch. 14 para. 24(c) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), Sch. 7 Pt. I

#### **Marginal Citations**

**M188** 1875 c. 55.  
**M189** 1847 c. 34.  
**M190** 1907 c. 53.  
**M191** 1925 c. 71.

- 25 (1) Subject to sub-paragraphs (2) and (4) below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).
- (2) A resolution under this paragraph disapplying—
- (a) section 171(4) of the <sup>M192</sup>Public Health Act 1875;
  - <sup>F515</sup>(b) . . . . .
  - (c) section 82, 83 or 85 of the <sup>M193</sup>Public Health Acts Amendment Act 1907; or
  - (d) section 76 of the <sup>M194</sup>Public Health Act 1925;
- must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.

**Status:** *Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.*

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- (3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.
- (4) A resolution under this paragraph applying or disapplying section 171(4) of the <sup>M195</sup>Public Health Act 1875 throughout an area shall not have effect unless approved by the Secretary of State.
- (5) The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—
- (a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and
  - (b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.
- (6) The date on which a resolution under this paragraph is to take effect shall—
- (a) except in the case of a resolution applying or disapplying section 171(4) of the <sup>M196</sup>Public Health Act 1875 throughout any area, be a date specified therein, being not earlier than one month after the date of the resolution; and
  - (b) in the said excepted case, be a date specified in the Secretary of State's approval of the resolution.
- (7) A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

#### **Textual Amendments**

**F515** Sch. 14 paras. 25(2)(b), 26(b) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7 Pt. I**

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

**C633** Sch. 14 para. 25 applied with modifications by [S.I. 1975/1636](#), **art. 7**

#### **Marginal Citations**

**M192** 1875 c. 55.

**M193** 1907 c. 53.

**M194** 1925 c. 71.

**M195** 1875 c. 55.

**M196** 1875 c. 55.

- (a) sections 160 and 171 of the <sup>M197</sup>Public Health Act 1875;



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- <sup>F516</sup>(b) .....
- (c) sections 21 and 80 of the <sup>M198</sup>Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the <sup>M199</sup>Town Police Clauses Act 1847;
- (d) sections 17 to 19, 75 and 76 of the <sup>M200</sup>Public Health Act 1925.

**Textual Amendments**

**F516** Sch. 14 paras. 25(2)(b), 26(b) repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)

**Marginal Citations**

**M197** 1875 c. 55.  
**M198** 1907 c. 53.  
**M199** 1847 c. 89.  
**M200** 1925 c. 71.

- 27 (1) The powers conferred on certain authorities by the enactments to which this paragraph applies shall be exercisable not only by those authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities for the purposes of the Public Health Acts 1875 to 1925, and references in those enactments to an urban authority or a local authority shall be construed accordingly.
- (2) This paragraph applies to the following enactments, that is to say—
- (a) section 164 of the <sup>M201</sup>Public Health Act 1875;
- (b) section 44 of the <sup>M202</sup>Public Health Acts Amendment Act 1890;
- (c) Part VI of the <sup>M203</sup>Public Health Acts Amendment Act 1907, as amended by Part VI of the <sup>M204</sup>Public Health Act 1925.

**Marginal Citations**

**M201** 1875 c. 55.  
**M202** 1890 c. 59.  
**M203** 1907 c. 53.  
**M204** 1925 c. 71.

- 28 A district council shall not without the consent of the highway authority—
- (a) provide a clock under section 165 of the <sup>M205</sup>Public Health Act 1875 in a case where it overhangs a highway; or
- (b) exercise any power under section 40 or 42 of the <sup>M206</sup>Public Health Acts Amendment Act 1890 or section 14 or 75 of the <sup>M207</sup>Public Health Act 1925 in relation to a highway.

**Marginal Citations**

**M205** 1875 c. 55.  
**M206** 1890 c. 59.

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**M207** 1925 c. 71.

- 29 A highway authority who are not a local authority within the meaning of the <sup>M208</sup>Public Health Acts 1875 to 1925 may exercise concurrently with the local authority powers conferred on the latter by section 153 of the Public Health Act 1875.

**Marginal Citations**

**M208** 1875 c. 55.

- 30 Any reference in section 161 of the said Act of 1875 to an urban authority shall, in relation to a metropolitan road within the meaning of the <sup>M209</sup>London Government Act 1963, be construed as a reference to the Greater London Council alone.

**Marginal Citations**

**M209** 1963 c. 33.

- 31 A local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise the powers conferred by section 31 of the <sup>M210</sup>Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

**Marginal Citations**

**M210** 1907 c. 53.

- 32 So much of section 76 of the said Act of 1907 as enables the Secretary of State to make rules governing the exercise by local authorities of their powers under that section shall cease to have effect.

- 33 In section 16(1) of the Public Health Act 1925 the words from “in relation” to “county council or” shall cease to have effect.

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

**C634** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M211</sup>Parish Councils Act 1957*

**Marginal Citations**

**M211** 1957 c. 42.

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.  
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<sup>x7</sup>34 In section 3(1) of the Parish Councils Act 1957, for the words from the beginning to the word “council”, in the second place where it occurs, there shall be substituted the words “ The council of a parish or community or, in the case of a parish for which there is no parish council ”and for the words “in that part of the parish, as the case may be” there shall be substituted the words “ community, or in any part thereof ”.

**Editorial Information**

**X7** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M212</sup>Public Health Act 1961*

**Marginal Citations**

**M212** 1961 c. 64.

35 Section 16 of the Public Health Act 1961 shall cease to have effect.

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

**C635** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

36 In section 17(1) of that Act for the words “the medical officer of health or public health inspector” there shall be substituted the words “ the local authority ” and for the word “he” there shall be substituted the word “ they ”.

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

**C636** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

37 The powers conferred on a local authority by section 34 of that Act shall as respects England be exercisable also by a county council and references in that section to a local authority shall be construed accordingly.

<sup>F517</sup>38, .....  
39.

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.  
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**Textual Amendments**  
F517 Sch. 14 paras. 38, 39 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

40 The powers conferred on a local authority by sections 44 and 46 of that Act shall, in the case of a street outside Greater London which is a highway, be exercisable by the highway authority as well as by the local authority.

F518 41 .....

**Textual Amendments**  
F518 Sch. 14 para. 41 repealed by Litter Act 1983 (c. 35, SIF 100:3), s. 12(3), Sch. 2

42 The powers conferred by sections 52 to 54 of that Act on local authorities shall be exercisable not only by such authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities within the meaning of that Act, and references in those sections to a local authority shall be construed accordingly.

F519 43 .....

**Textual Amendments**  
F519 Sch. 14 para. 43 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

*M213 The Local Government Act 1966*

**Marginal Citations**  
M213 1966 c. 42.

44 For section 10(1)(a) of the Local Government Act 1966 there shall be substituted the following paragraph:—  
“(a) in the payment of salaries to registered medical practitioners and other persons with professional qualifications in the practice and administration of public health who are employed by such authorities.”

**Modifications etc. (not altering text)**  
C637 The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F520 45 .....

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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### Textual Amendments

**F520** Sch. 14 para. 45 repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, **Sch. 2**

<sup>F521</sup>46, .....  
47.

### Textual Amendments

**F521** Sch. 14 paras. 46, 47 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

<sup>F522</sup>48 .....

### Textual Amendments

**F522** Sch. 14 paras. 17, 48 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

## <sup>M214</sup> *The Deposit of Poisonous Waste Act 1972*

### Marginal Citations

**M214** 1972 c. 21.

<sup>X8</sup>49 In section 5(1) of the Deposit of Poisonous Waste Act 1972, for paragraph (a) there shall be substituted the following paragraphs:—

- “(a) in England, county councils and the Greater London Council;
- (aa) in Wales, district councils ; and”.

### Editorial Information

**X8** The text of Sch. 14 paras. 1, 3, 9, 21, 22, 33–36, 44, 49 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## <sup>M215</sup> *The Public Health Act 1936*

### Marginal Citations

**M215** 1936 c. 49.

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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F523<sup>1</sup>

**Textual Amendments**

**F523** Sch. 15 para. 1 repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

- 2 In section 126(4) of that Act the words from “or any five to rural district” and the words “or contributory place” in the second place where those words occur respectively shall cease to have effect.

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

**C638** The text of Sch. 15 paras. 2–4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*M216 The Water Act 1945*

**Marginal Citations**

**M216** 1945 c. 42.

- 3 In paragraph 27 of Schedule I to the Water Act 1945 for the words “in each borough, urban district and rural parish” there shall be substituted the words “in each London borough, district and parish in England and each community in Wales”.

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

**C639** The text of Sch. 15 paras. 2–4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 4 In paragraph 1 of Schedule 3 to that Act, the definition of “county district” and, in the definition of “local authority” the words “or rural”, shall cease to have effect.

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

**C640** The text of Sch. 15 paras. 2–4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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SCHEDULE 16 **E+W**

Section 182.

FUNCTIONS UNDER, AND AMENDMENT AND MODIFICATION OF,  
ENACTMENTS RELATING TO TOWN AND COUNTRY PLANNING

PART I **E+W**

<sup>M217</sup>TOWN AND COUNTRY PLANNING ACT 1971

**Marginal Citations**

<sup>M217</sup> 1971 c. 78.

*Structure and local plans*

<sup>F524</sup> 1–3 .....

**Textual Amendments**

<sup>F524</sup> Sch. 16 paras. 1 to 3 repealed by Housing and Planning Act 1986 (c. 63, SIF 81:1), ss. 24(3), 39(4), 49(2), 53(2), **Sch. 12 Pt. III**

<sup>F525</sup> 4–47 .....

**Textual Amendments**

<sup>F525</sup> Sch. 16 paras. 4–47, 49–54 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**

<sup>F526</sup> 48 .....

**Textual Amendments**

<sup>F526</sup> Sch. 16 para. 48 repealed by Town and Country Amenities Act 1974 (c. 32), **Sch.** and expressed to be repealed by Planning(Consequential Provisions) Act 1990 (c. 11, SIF 123:1), s. 3 Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**

<sup>F527</sup> 49–53 .....

**Textual Amendments**

<sup>F527</sup> Sch. 16 paras. 4–47, 49–54 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**

**Status:** Point in time view as at 01/08/1993. This version of this Act contains provisions that are not valid for this point in time.

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## PART II E+W

### OTHER ENACTMENTS

F528 54 .....

#### Textual Amendments

**F528** Sch. 16 paras. 4–47, 49–54 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

#### *The <sup>M218</sup>Land Compensation Act 1961*

#### Marginal Citations

**M218** 1961 c. 33.

- 55 (1) Elsewhere than in Greater London [<sup>F529</sup>, a metropolitan county] or a National Park the functions of a local planning authority of determining applications and issuing certificates under section 17 of the <sup>M219</sup>Land Compensation Act 1961 shall—
- (a) in the case of an application specifying only a class of development which appears, or classes of development each of which appear, to the district planning authority to relate to a county matter, be exercised by the county planning authority;
  - (b) in any other case, be exercised by the district planning authority.
- (2) [<sup>F530</sup>As respects an area in a National Park outside a metropolitan county] the said functions shall be exercised by the county planning authority.
- (3) Every application mentioned in sub-paragraph (1) above shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.
- (4) A county planning authority determining any such application shall consult with the district planning authority on the question whether planning permission for development of any class which appears to the former not to relate to a county matter [<sup>F531</sup>would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers.]
- (5) A district planning authority determining any such application shall consult with the county planning authority on the question whether planning permission for development of any class which appears to the former to relate to a county matter [<sup>F531</sup>would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers.]
- (6) A county planning authority by whom a certificate is issued under section 17 of the <sup>M220</sup>Land Compensation Act 1961 shall notify the district planning authority of the terms of the certificate and the district planning authority by whom a certificate is so issued shall, if it specifies development relating to a county matter, notify the county planning authority of the terms of the certificate.



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(7) In this paragraph “county matter” has the meaning ascribed to it by [<sup>F532</sup>paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990].

**Textual Amendments**

- F529** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 2, 3(5)**
- F530** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 7, **Sch. 3 para. 4**
- F531** Words substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2; 103:1, 2), s. 193, **Sch. 33 para. 13** in relation to applications made after 12.12.1975
- F532** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(5)**

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

- C641** Sch. 16 para. 55(2) excluded (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 4(1)** (ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

**Marginal Citations**

- M219** 1961 c. 33.
- M220** 1961 c. 33.

<sup>F533</sup>56 .....

**Textual Amendments**

- F533** Sch. 16 para. 56 repealed by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 13**

<sup>F534</sup>57 .....

**Textual Amendments**

- F534** Sch. 16 para. 57 repealed by Town and Country Amenities Act 1974 (c. 32), **Sch.**

**PART III E+W**

<sup>F535</sup>58, .....

59.

**Textual Amendments**

- F535** Sch. 16 paras. 58, 59 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**

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## SCHEDULE 17 E+W

Section 184.

### FUNCTIONS WITH RESPECT TO NATIONAL PARKS AND THE COUNTRYSIDE

#### PART I E+W

#### DISCHARGE OF PLANNING AND COUNTRYSIDE FUNCTIONS IN NATIONAL PARKS

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

**C642** Sch. 17 Pt. I extended by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 72(10)

#### *Planning Boards and National Park Committees*

- 1 If immediately before the 1st April 1974 there is an existing joint planning board constituted by an order under section 1 of the <sup>M221</sup>Town and Country Planning Act 1971 for a National Park comprised in two or more existing counties and as from that date the Park will be comprised in two or more new counties, the Secretary of State shall make an order reconstituting the existing board for discharging the functions to which this Part of this Schedule applies and [<sup>F536</sup>section 2 of the Town and Country Planning Act 1990] shall apply to a joint board so reconstituted and the order reconstituting it as it applies to a joint board constituted under that section and the order constituting it and shall so apply as if the area of the Park were a united district.

##### **Textual Amendments**

**F536** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 28(6)(a)**

##### **Marginal Citations**

**M221** 1971 c. 78.

- 2 An order under the said section 1 constituting a new joint board for a united district consisting of the whole or part of a National Park and comprised in two or more new counties may confer on the board, in addition to the functions of a county planning authority under [<sup>F537</sup>the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990], any other functions to which this Part of this Schedule applies.

##### **Textual Amendments**

**F537** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 28(6)(b)**

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- 3 If immediately before 1st April 1974 there is an existing joint planning board for a National Park comprised in two or more existing counties and on that date the Park will be wholly comprised in one new county, the Secretary of State shall by order reconstitute that board as a special planning board to discharge the functions to which this Part of this Schedule applies as respects the area of the Park, and any enactment relating to joint boards constituted by an order under [<sup>F538</sup>section 2 of the Town and Country Planning Act 1990] shall apply to a special planning board reconstituted under this Part of this Schedule and to the order reconstituting it as it applies to a joint planning board constituted under that section and to the order constituting it and shall so apply as if the area of the Park were a united district, but with the substitution of references to the council of a new county for any references to the constituent authorities.

#### Textual Amendments

**F538** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 28\(6\)\(c\)](#)

VALID FROM 03/04/1995

- [<sup>F539</sup>3A(1) Where a National Park is wholly comprised in one planning area in Wales, the Secretary of State may by order constitute a special planning board to discharge, as respects the area of the Park, the functions to which this Part of this Schedule applies.
- (2) Any enactment relating to joint planning boards constituted by an order under section 2 of the <sup>M222</sup>Town and Country Planning Act 1990 shall apply in relation to a special planning board constituted under this paragraph as it applies in relation to a joint planning board constituted under subsection (1B) of that section, but as if—
- (a) the area of the National Park were a united district; and
  - (b) any reference (however expressed) to the constituent councils of the joint board (or which is to be construed as such a reference) were a reference to the council of the principal area in question.]

#### Textual Amendments

**F539** [Sch. 17 para. 3A](#) inserted (3.4.1995) by [1994 c. 19, s. 19\(2\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 13, 22\(1\), 23\(2\)](#)); [S.I. 1995/852, art. 4\(1\)](#), [Sch. 2](#)

#### Marginal Citations

**M222** [1990 c. 8.](#)

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VALID FROM 03/04/1995

[<sup>F540</sup>3B A board reconstituted under paragraph 3 above or constituted under paragraph 3A above shall be known as “a special planning board”.]

#### Textual Amendments

**F540** Sch. 17 para. 3B inserted (3.4.1995) by 1994 c. 19, s. 19(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 13, 22(1), 23(2)); S.I. 1995/852, art. 4(1), Sch. 2

- 4 The Secretary of State may by an order under paragraph 1 or 3 above, or by an order under the said [<sup>F541</sup>section 2] relating to a united district consisting of the whole or part of a National Park, or by an order under this paragraph, confer on a joint or special planning board for a National Park or any part of a National Park any of the additional countryside functions as respects the Park or, as the case may be, any part of it.

#### Textual Amendments

**F541** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 28(6)(d)

- 5 For every National Park for which there is no joint planning board or special planning board the council or councils of the [<sup>F542</sup>planning areas] in which the Park is comprised shall make arrangements for the discharge of the following functions of theirs as respects the Park by a separate committee to be known as a National Park Committee, that is to say—
- (a) their functions to which this Part of this Schedule applies except those mentioned in paragraph 6 below; and
  - (b) their functions as local authority under the 1949 Act and the 1968 Act.

#### Textual Amendments

**F542** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 7, Sch. 3 para. 5(2)

- 6 The functions of a council or councils excepted from the requirement imposed by paragraph 5 above are—
- (a) their functions under [<sup>F543</sup>sections 30 to 35C, 46(2) and 50(1)(4)(5) and (7)] of [<sup>F544</sup>the Town and Country Planning Act 1990];
  - (b) .....<sup>F545</sup>
  - (c) their functions under Part III and, so far as relating to planning control under Part III, [<sup>F546</sup>Part VII] of that Act with respect to the carrying out of any operations in, on, over or under land, or any use of land, partly situated

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in the National Park and partly in some other area, where those functions so far as relating to any such operations or use are exercisable by the local planning authority for that other area.

#### Textual Amendments

- F543** Words in [Sch. 17 para. 6\(a\)](#) substituted (02.01.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 27, [Sch. 4, para. 39](#); [S.I.1991/2905](#), art.3, Sch.1.
- F544** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(6\)\(e\)](#)
- F545** [Sch. 17 para. 6\(b\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. X](#)
- F546** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(6\)\(e\)](#)

- 7 The validity of anything done or purporting to have been done by a National Park Committee in pursuance of arrangements made by virtue of paragraph 5 above shall not be called in question in any legal proceedings, or in any proceedings under <sup>F547</sup>the [Town and Country Planning Act 1990](#) which are not legal proceedings, on the ground that it ought to have been done by the authority or one of the authorities by whom the arrangements were made.

#### Textual Amendments

- F547** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(6\)\(f\)](#)

- 8 The National Park Committee for a Park comprised in two or more <sup>F548</sup>planning areas] shall be appointed by the council of such of <sup>F549</sup>those areas] as may be agreed between the councils of those counties or, in default of agreement, jointly by both or all those councils, and, where it is appointed by one of those councils, the expenses incurred by the Committee shall be defrayed by both or all those councils in such proportions as they may agree or as in default of agreement may be determined by the Secretary of State.

#### Textual Amendments

- F548** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, [Sch. 3 para. 5\(3\)\(a\)](#)
- F549** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, [Sch. 3 para. 5\(3\)\(b\)](#)

- 9 A National Park Committee may arrange with a district planning authority whose area comprises any part of the Park for the authority to discharge as respects a part of the Park within their area such of the functions exercisable by the Committee by virtue of paragraph 5 above as may be agreed between the Committee and the Countryside Commission or as in default of agreement may be determined by the Secretary of State.

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10 Where a joint planning board, special planning board or National Park Committee is required to be established by being reconstituted or appointed under this Part of this Schedule for any area being or comprised in a National Park, the requirement shall be deemed to be complied with in any case approved by the Secretary of State after consultation with the Countryside Commission if the board or Committee is established for that area together with other land.

11 Not less than one third [<sup>F550</sup>(to the nearest whole number)] of the members of a joint planning board, special planning board or National Park Committee established for an area being or comprising the whole or any part of a National Park shall be persons appointed by the Secretary of State after consultation with the Countryside Commission:

Provided that if in any particular case the Secretary of State, with the agreement of the Commission, so determines, this paragraph shall have effect as if for the words “one third” there were substituted the words “one quarter”.

#### Textual Amendments

**F550** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **ss. 46(1), 74(3)**

12 The persons appointed in pursuance of paragraph 11 above shall hold office for such period not being less than one year nor more than three years as the Secretary of State may, after consultation with the Countryside Commission, determine and shall be eligible for reappointment.

[<sup>F551</sup>12(A)] The members of a joint planning board, special planning board or National Park Committee established for an area being or comprising the whole or any part of a National Park shall include members (in this paragraph referred to as “district council members”) who are appointed by [<sup>F552</sup>councils of non-metropolitan districts which] comprise any part of that Park (in this paragraph referred to as “relevant district councils”).

(2) The number of district council members of such a board or Committee shall be equal to—

- (a) the number of relevant district councils; or
- (b) one seventh (to the nearest whole number) of the members of the board or Committee,

whichever is the less; and for the purposes of this sub-paragraph any casual vacancy in the membership of the board or Committee shall be disregarded.

(3) The district council members shall be appointed by such of the relevant district councils as may be agreed between those councils or as in default of agreement may be determined by the Secretary of State.

(4) The district council members shall hold office for a period of one year and shall be eligible for reappointment; and section 102(5) above shall apply in relation to a district council member appointed under this paragraph as it applies in relation to a member of a committee appointed under that section.]

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#### Textual Amendments

**F551** Sch. 17 para. 12A inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), ss. 46(2), 74(3)

**F552** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 7, Sch. 3 para. 5(4)

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

**C643** Sch. 17 Pt. I para. 12A excluded (1.4.1996) by S.I. 1995/187, artS. 1(1), 3(2), Sch. para. 2(a)

13 Section 101 above shall, in its application to the discharge as respects a National Park of any functions to which this Part of this Schedule applies and any additional countryside functions, have effect subject to the following modifications:—

- (a) a local planning authority shall not make arrangements for the discharge of any such functions as respects a National Park or land in a National Park by some other local authority without consulting the Countryside Commission;
- (b) section 101 shall not authorise a [<sup>F553</sup>county or metropolitan district council] to make arrangements for the discharge of any functions which by virtue of paragraph 5 above are required to be discharged by a National Park Committee except in accordance with that paragraph;
- (c) section 101(4) shall not apply in relation to arrangements made by the [<sup>F553</sup>county or metropolitan district council] by virtue of paragraph 5 for the discharge of any functions by a National Park Committee.

#### Textual Amendments

**F553** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 7, Sch. 3 para. 5(5)

14 In the case of a National Park Committee for a National Park wholly comprised in [<sup>F554</sup>one planning area] the members of the Committee shall ([<sup>F555</sup>subject to paragraphs 11 and 12A above]) be appointed by, and the majority of those members shall be members of, the council of [<sup>F556</sup>the area], and in the case of a National Park Committee for a National Park comprised in [<sup>F557</sup>two or more planning areas] the members of the Committee shall (subject as aforesaid) be appointed by such of the councils of [<sup>F557</sup>those areas] as may be agreed between those councils or as in default of agreement may be determined by the Secretary of State and a majority of the members of the Committee shall be members of those councils, and—

- (a) so much of section 102(3) above as regulates the proportion of members of a committee shall not apply to a National Park Committee; and
- (b) section 102(5) shall apply to a member of a National Park Committee appointed under this paragraph as being a member of a [<sup>F558</sup>county or metropolitan district council] as it applies in relation to a member of a committee appointed under that section who was at the time of his appointment a member of the appointing authority or one of the appointing authorities.

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#### Textual Amendments

- F554** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, **Sch. 3 para. 5(6)(a)**  
**F555** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **ss. 46(3), 74(3)**  
**F556** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, **Sch. 3 para. 5(6)(a)**  
**F557** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, **Sch. 3 para. 5(6)(b)**  
**F558** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, **Sch. 3 para. 5(6)(c)**

### *National Park Officer*

- 15 Every joint planning board, special planning board or National Park Committee established for a National Park shall after consultation with the Countryside Commission appoint an officer, to be known as a National Park Officer, for the purposes of the functions exercisable by them as respects the Park by virtue of [<sup>F559</sup>section 2 of the Town and Country Planning Act 1990] or this Part of this Schedule.

#### Textual Amendments

- F559** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 28(6)(g)**

- 16 A National Park Officer appointed by a National Park Committee shall be an officer of [<sup>F560</sup>the council of the planning area] by whom the Committee was established or, if it was established by two or more such councils, such one of them as they may agree or as, in default of agreement, may be determined by the Secretary of State.

#### Textual Amendments

- F560** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, **Sch. 3 para. 5(7)**

- 17 A National Park Officer appointed by a joint board or special planning board or a National Park Committee shall not be employed for any purpose other than one mentioned in paragraph 15 above, except after consultation between the authority by whom he is employed and the Countryside Commission and, in the case of a National Park Officer appointed by a National Park Committee, except with the Committee's consent.

### *National Parks Plans*

- 18 Every joint planning board, special planning board or National Park Committee established for a National Park shall—
- (a) within three years of 1st April 1974 or of being established, whichever is the later, prepare and publish a plan to be known as a National Park Plan



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formulating their policy for the management of the Park and for the exercise of the functions exercisable by them as respects the Park; and

- (b) review at intervals of not more than five years a National Park Plan published under this paragraph, making any amendments to it which they consider expedient, and publish a report on their review and any such amendments.

- 19 Every such board or committee established for a National Park shall in preparing or reviewing a National Park Plan send a copy of the proposed plan or review to the Countryside Commission and to any district planning authority whose area is wholly or partly comprised in the Park and take into consideration any observations of the Commission or any such authority thereon and shall send the Secretary of State a copy of a National Park Plan published under paragraph 18 above and of the report on any review or amendments so published.

#### *Interpretation*

- 20 The functions to which this Part of this Schedule applies are all functions of a county council or district council as local planning authority under the 1949 Act, the 1968 Act [<sup>F561</sup>and the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Consequential Provisions) Act 1990] and any enactment amending any of those Acts.

#### **Textual Amendments**

**F561** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 28\(6\)\(h\)](#)

- 21 In this Part of this Schedule “additional countryside functions” means functions other than those mentioned in paragraph 20 above, which, in the opinion of the council or councils concerned, or where the functions are ones which may be conferred by an order or determination of a Minister, of that Minister, relate to the countryside and are appropriate for reference to a board or committee concerned with matters relating to the countryside.

- [<sup>F562</sup>21A In this Part of this Schedule “planning area” means a metropolitan district or a non-metropolitan county.]

#### **Textual Amendments**

**F562** [Sch. 17 para. 21A](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 7, [Sch. 3 para. 5\(8\)](#)

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*Construction of References to the Countryside Commission*

21B In this Part of this Schedule, references to the Countryside Commission shall, in relation to a National Park in Wales, be construed as references to the Countryside Council for Wales.

**PART II E+W**

SURVEY OF PUBLIC PATHS, ETC.

<sup>F563</sup>22, .....  
23.

**Textual Amendments**  
**F563** Sch. 17 paras. 22–33 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), Sch. 17 Pt. II

24 Where on any such survey of any area under section 27 of the 1949 Act a draft map and statement has, but a provisional map and statement has not, been published before 1st April 1974, the county council may if they think fit take no further steps in relation to the draft map and statement and instead prepare a new draft map and statement for that area under that section and that section and sections 28 and 29 of that Act (survey information, and representations and objections) shall apply to the new review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

25 Where on any such review of any area under any of the provisions mentioned in paragraph 22 above no revised draft map and statement has been published before 1st April 1974, the review shall be abandoned and the county council shall begin a new review of that area or so much of it as lies within the county after that date under those provisions, and those provisions shall apply to the review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

26 Where a revised map and statement has been published in draft before that date under any of those provisions, but a revised map or statement has not been published in provisional or, as the case may be, definitive form, before 1st April 1974, the county council may if they think fit take no further steps in relation to the draft revised map and statement and instead prepare and publish a new revised map and statement in that form for that area under those provisions, and those provisions shall apply to the new review, subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

27 Any area to which sections 27 to 34 of the 1949 Act (the survey provisions) do not apply immediately before 1st April 1974 by virtue of the fact that it is or forms part of an existing county borough shall on and after that date continue to be excluded from the operation of those sections except so far as they are adopted under section 35(2) of that Act as respects the whole or part of that area.

<sup>F564</sup>28 .....

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### Textual Amendments

**F564** Sch. 17 para. 28 repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 73, [Sch. 17 Pt. II](#)

- 29 Where in consequence of any survey, review, further review or special review begun under any of the provisions mentioned in paragraph 22 above two or more definitive maps and statements are prepared whether before or after 1st April 1974 for different parts of a new county, the county council shall not take any further steps under those provisions in relation to those maps and statements until all such maps and statements have been prepared for the whole of their area (less any part of it excluded by paragraph 27 above).
- 30 Where all such maps and statements have been prepared for the whole of that area, the county council shall at one and the same time review the particulars contained in each of those maps and statements; and accordingly section 33 of the 1949 Act and Parts II to IV of Schedule 3 to the 1968 Act (periodical revision of maps and statements) shall apply as if the relevant date for the purposes of each of those maps and statements were the earliest of the relevant dates specified therein or such later date as, on the application of the county council, the Secretary of State may in any particular case direct.
- 31 Where the Secretary of State gives a direction under this Part of this Schedule, he shall take such steps as he thinks appropriate for bringing it to the notice of persons who may be affected by it.
- 32 Section 28(3) of the 1949 Act shall not apply to Wales and in that subsection the word “rural” shall be omitted and for the words “representative body of the parish or a member of that body” there shall be substituted the words “chairman of the parish meeting or any person representing the parish on the district council”.
- 33 In this Part of this Schedule any reference to a definitive map and statement includes a reference to a revised map and statement prepared in definitive form.

## PART III **E+W**

### MISCELLANEOUS MODIFICATIONS OF 1949 AND 1968 ACTS

#### *Establishment of nature reserves by local authorities*

- 34 The powers conferred on a county council by sections 21 and 99(6) of the 1949 Act (nature reserves) shall also be exercisable as respects any district by the district council and references in those sections and section 22 of that Act to a local authority shall be construed accordingly.

#### *Access to open country*

- 35 Any area in which section 61(1) and (2) of the 1949 Act (survey of access requirements) do not apply immediately before 1st April 1974 by virtue of section 61(3) of that Act shall on and after that date continue to be excluded from the operation of the said subsections (1) and (2) until they are adopted or applied to the area under the said subsection (3), and references in the said subsection (3)

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to a county borough and its council shall be respectively construed as references to any such area and the county council.

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

**C644** Sch. 17 para. 35 modified by Local Government Act 1985 (c. 51, SIF 81:1), s. 7, **Sch. 3 para. 5(9)**

VALID FROM 01/04/1996

[<sup>F565</sup>35A In relation to Wales, paragraph 35 above has effect as if—  
 (a) for “1974” there were substituted “1996”;  
 (b) for “and the county council” there were substituted “and the principal council”.]

**Textual Amendments**

**F565** Sch. 17 para. 35A inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. I para. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

36 Any county planning authority may require any other local planning authority having functions under Part V of the 1949 Act within the area of the county planning authority to give the county planning authority such information as may facilitate the discharge of the latter’s functions under section 62(2) or 63(1) of that Act (securing access) or section 78(1) of that Act (maps of land subject to public access).

37 The functions of a local planning authority under section 67, 68, 81 or 82 of the 1949 Act or section 20 of the 1968 Act (supplementary provisions as to access to land) in relation to land which is the subject of an access agreement or order under Part V of the 1949 Act, and the functions of such an authority under section 70 of the 1949 Act in relation to such land and any land held therewith, shall be functions of the authority by whom the agreement or order was made or, where such an order was made by a Minister of the Crown, of the county planning authority, and in those sections, in their application to such land, references to a local planning authority shall be construed accordingly.

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

**C645** Sch. 17 para. 37 excluded (19.9.1995) by 1995 c. 25, **ss. 68(1), 125(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

*Miscellaneous*

<sup>x9</sup>38 Section 89(2A) of the 1949 Act (treatment of derelict land) shall cease to have effect.

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**Editorial Information**

**X9** The text of Sch. 17 paras. 38, 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x10</sup>39 Section 90(2) of the 1949 Act (byelaws) shall cease to have effect and in section 90(4) of that Act for the reference to a local authority there shall be substituted a reference to the local planning authority.

**Editorial Information**

**X10** The text of Sch. 17 paras. 38, 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 In section 111 of the 1949 Act (Isles of Scilly) references to that Act shall include references to section 184 above and this Schedule.

41 In paragraph 1(3)(a) and 2(5) of Schedule 1 to the 1949 Act (procedure on orders designating National Parks) for references to the local planning authority there shall be substituted references to the county planning authority.

<sup>F566</sup>SCHEDULE 18 **E+W**

Section 185.

AMENDMENTS OF <sup>M223</sup>TOWN DEVELOPMENT ACT 1952

**Textual Amendments**

**F566** Sch. 18 repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(4), 195(2), **Sch. 12 Pt. II**

**Marginal Citations**

**M223** 1952 c. 54.

<sup>F567</sup>1 .....

**Textual Amendments**

**F567** Sch. 18 para. 1 repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIV**

<sup>x11</sup>2 In section 4, in subsection (1) for the words “county borough of county district” there shall be substituted the words “county or district or the Greater London Council”.

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#### Editorial Information

**X11** The text of Sch. 18 paras. 2–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, save as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x123</sup> In section 7, for paragraphs (a) to (c) there shall be substituted the following paragraphs:—

- “(a) the council of a district which is not a receiving district;
- (b) the Greater London Council;
- (c) the council of a county, or;”

and in paragraph (d) after the words “1945” there shall be inserted the words “under section 181 of the Local Government Act 1972”.

#### Editorial Information

**X12** The text of Sch. 18 paras. 2–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, save as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x134</sup> In section 8(1), <sup>F568</sup> . . . in paragraph (c) for the words “county borough” in each place where they occur, there shall be substituted the word “district”.

#### Editorial Information

**X13** The text of Sch. 18 paras. 2–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, save as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

**F568** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XIV](#)

<sup>x145</sup> In section 10(3), for the words “county borough or county district” there shall be substituted the words “county or district or the Greater London Council”.

#### Editorial Information

**X14** The text of Sch. 18 paras. 2–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, save as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x156</sup> In section 11, for the words from “of the county” to “it is carried out” there shall be substituted the words “of a county” and for the words “by the council of a county borough” there shall be substituted the words “other district council”.

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### Editorial Information

**X15** The text of Sch. 18 paras. 2–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and , save as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## SCHEDULE 19 **E+W**

Section 186.

### AMENDMENTS OF ENACTMENTS RELATING TO ROAD TRAFFIC AND ABANDONED VEHICLES

#### PART I **E+W**

#### <sup>M224</sup>THE ROAD TRAFFIC ACT 1972

### Marginal Citations

**M224** 1972 c. 20.

<sup>x16</sup><sub>1</sub> In section 31(7), for the words “county borough or county district” there shall be substituted the word “ county ”.

### Editorial Information

**X16** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x17</sup><sub>2</sub> In section 33(4), for the words “of a borough or of an urban district” there shall be substituted the words “ or of a London borough ”.

### Editorial Information

**X17** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x18</sup><sub>3</sub> In section 35(5), in paragraph (a) for the words from “county borough” in the first place where they occur to the end of the paragraph there shall be substituted the words “ London borough ”, and the words “and in this subsection “county borough” includes a London borough” shall be omitted.

### Editorial Information

**X18** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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<sup>x19</sup><sub>4</sub> In section 38, subsection (3) shall be omitted and in subsection (5)(a) for the words “a borough or an urban district” there shall be substituted the words “ or London borough ”.

**Editorial Information**  
**X19** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x20</sup><sub>5</sub> In section 43(3) for the words “of a borough, of an urban district” there shall be substituted the words “ of a district or London borough ”.

**Editorial Information**  
**X20** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x21</sup><sub>6</sub> In section 196(1) in the definition of “highway authority”, the words “the council of a county borough, the council of a non-county borough or an urban district” shall be omitted.

**Editorial Information**  
**X21** The text of Sch. 19 paras. 1–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART II E+W**

<sup>F569</sup><sub>7–32</sub> .....

**Textual Amendments**  
**F569** Sch. 19 Pt. II (paras. 7–32) repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

**PART III E+W**

<sup>F570</sup><sub>33–36</sub> .....

**Textual Amendments**  
**F570** Sch. 19 Pt. III (paras. 33–36) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, Sch. 2



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F571 SCHEDULE 20 E+W

Textual Amendments

F571 Sch. 20 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25

SCHEDULE 21 E+W

Section 188.

AMENDMENTS OF ENACTMENTS RELATING TO HIGHWAYS

PART I E+W

F572 1–95 .....

Textual Amendments

F572 Sch. 21 paras. 1–95 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25

PART II E+W

OTHER ENACTMENTS

F573 96 .....

Textual Amendments

F573 Sch. 21 para. 96 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. X

X22 97 At the end of section 57(3) of the M225 National Parks and Access to the Countryside Act 1949 there shall be added the words “ or by the council of the district in which the notice is placed or maintained ”.

Editorial Information

X22 The text of Sch. 21 paras. 97, 98 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M225 1949 c. 97.

F574 98 .....

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**Textual Amendments**

**F574** Sch. 21 para 98 repealed (1.1.1993) by [New Road and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1992/2984, art. 2(2), [Sch.2](#).

**F575**<sup>99</sup>, .....  
100.

**Textual Amendments**

**F575** Sch. 21 paras. 99, 100 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

**F576** SCHEDULE 22 **E+W**

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**Textual Amendments**

**F576** Sch. 22 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#)

**X23** SCHEDULE 23 **E+W**

Section 195.

AMENDMENTS OF ENACTMENTS CONFERRING SOCIAL SERVICES FUNCTIONS

**Editorial Information**

**X23** The text of Sch. 23 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.

**F577**<sup>1</sup> .....

**Textual Amendments**

**F577** Sch. 23 para. 1 repealed by [National Health Service Act 1977 \(c. 49, SIF 113:2\)](#), s. 129, [Sch. 16](#)

- 2 (1) In section 21 of the <sup>M226</sup>National Assistance Act in subsection (1), for the words from the beginning to “to provide” there shall be substituted the words “Subject to and in accordance with the provisions of this Part of this Act, a local authority may with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for providing” ; in subsection (2) of that section for the words “the exercise of their said duty” there shall be substituted the words “making any such arrangements”; subsection (3) of that section shall be, omitted ; and in subsection (4)

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of that section, for the words “said functions” there shall be substituted the words “functions under this section” and for the words “specified in the scheme” there shall be substituted the words “determined in accordance with the arrangements”.

- (2) In section 24 of that Act, in subsections (1) . . . <sup>F578</sup> for the word “liable” there shall be substituted the word “empowered” ; in subsection (3) for the word “duty” there shall be substituted the word “power” ; and in subsection (4) of that section for the word “scheme” there shall be substituted the word “arrangements”.
- (3) In section 26 of that Act, [<sup>F579</sup> in subsection (1) for the words “a scheme under section twenty-one thereof may provide that” there shall be substituted the words “arrangements under section 21 thereof may include provision whereby” and] in subsection (2) [<sup>F579</sup> of that section] for the words “such arrangements as aforesaid” there shall be substituted the words “arrangements made by virtue of subsection (1) of this section”.
- (4) In section 29 of that Act, in subsection (1), for the words “shall have power to” there shall be substituted the words “may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the area of the local authority shall”; and subsections (2) and (3) of that section shall be omitted.
- (5) In section 30(1) of that Act, for the words “if the scheme under the last foregoing section so provides” there shall be substituted the words “in accordance with arrangements made under section 29 of this Act”.
- (6) In section 33(1) of that Act, for the words “the council of a county or county borough” there shall be substituted the words “a council which is a local authority for the purposes of the Local Authority Social Services Act 1970”.
- [<sup>F580</sup>(7) In section 35(2) of that Act, the words from the beginning to “this Act”, in the first place where those words occur, shall be omitted.]
- (8) . . . . . <sup>F581</sup>
- (9) In section 41(2) of that Act, in paragraph (a), for the words from “of counties” to the end of the paragraph there shall be substituted the words “which are registration authorities for the purposes of section 37 of this Act”.
- (10) In section 48 of that Act, in subsection (4), for the words “the council of the county, county borough or large burgh” there shall be substituted the words “the council which is the local authority for the purposes of the Local Authority Social Services Act 1970 and”.
- (11) In section 49 of that Act, for the words “the council of a county or county borough” there shall be substituted the words “any such council as is referred to in section 48(4) of this Act”.
- (12) . . . . . <sup>F582</sup>
- (13) In section 56 of that Act, for subsection (3) there shall be substituted the following subsection:—
  - “(3) Offences under this Act, other than offences under section 47(11) of this Act, may be prosecuted by any council which is a local authority for the purposes of the Local Authority Social Services Act 1970 and offences under

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section 47(11) of this Act may be prosecuted by the councils referred to in section 47(12) of this Act.”

**Textual Amendments**

- F578** Words repealed by [Housing \(Homeless Persons\) Act 1977 \(c. 48, SIF 61\)](#), s. 20(4), **Sch.**
- F579** Words repealed (*prosp.*) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(2), 67(2), **Sch. 10**
- F580** Sch. 23 para. 2(7) repealed (*prosp.*) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(2), 67(2), **Sch. 10**
- F581** Sch. 23 para. 2(8) repealed by [Residential Homes Act 1980 \(c. 7, SIF 81:1\)](#), s. 11(5), **Sch. 2**
- F582** Sch. 23 para. 2(12) repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

**Marginal Citations**

- M226** 1948 c. 29.

F583<sub>3</sub> .....

**Textual Amendments**

- F583** Sch. 23 para. 3 repealed by [Child Care Act 1980 \(c. 5\)](#), s. 89(3), **Sch. 6**

F584<sub>4</sub> .....

**Textual Amendments**

- F584** Sch. 23 para. 4 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2), **Sch. 15 art.3(2)**

F585<sub>5</sub> .....

**Textual Amendments**

- F585** Sch. 23 para. 5 repealed by [National Health Service Act 1977 \(c. 49, SIF 113:2\)](#), s. 129, **Sch. 16**

- 6 (1) In section 3 of the <sup>M227</sup>Disabled Persons (Employment) Act 1958, in subsection (1), for the words “shall have power under this section to” there shall be substituted the words “ may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the authority’s area shall ” and the words from “and in relation to” to the end of the subsection shall be omitted in subsection (3) of that section the words from the beginning to “made thereunder” shall be omitted ; and in subsection (5) of that section for the words “or of a county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district or London borough or the Common Council of the City of London ”.
- (2) In the Schedule, in paragraph 1(1)(c), for the words “thirty-two and thirty-four” there shall be substituted the words “ and 32 ” and in paragraph 1(2) the words “thirty-four” shall be omitted.

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**Marginal Citations**

M227 1958 c. 33.

F586<sup>7</sup> .....

**Textual Amendments**

F586 Sch. 23 para. 7 repealed by Foster Children Act 1980 (c. 6), s. 23(3), Sch. 3

F587<sup>8</sup> .....

**Textual Amendments**

F587 Sch. 23 para. 8 repealed by Adoption Act 1976 (c. 36, SIF 49:11), s. 73(3), Sch. 4

9 [F588(1) In the M228Mental Health Act 1959, in sections 8(1), F589. . . for the words “local health authorities” there shall be substituted the words “local social services authorities ”.]

(2) In sections F590. . . , 131, F590. . . and 142 of that Act for the words “local health authority” there shall be substituted the words “local social services authority ”.

F591(3) .....

F592(4) .....

**Textual Amendments**

F588 Sch. 23 para 9(1) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), Sch. 10

F589 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6

F590 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6

F591 Sch. 23 para. 9(3) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 108(2), Sch. 15;art.3(2)

F592 Sch. 23 para. 9(4)–(6) repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6

**Marginal Citations**

M228 1959 c. 72.

F593<sup>10</sup> .....

**Textual Amendments**

F593 Sch. 23 para. 10 repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 89(2), Sch. 3

11 In section 10(1) of the M229Mental Health (Scotland) Act 1960, in paragraph (b), after the word “or”, in the first place where it occurs, there shall be inserted the words “of a local social services authority ”, and at the end of paragraph (c) there shall be added the words “ or local social services authority ”.

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**Marginal Citations**  
M229 1960 c. 61

F594 12 .....

**Textual Amendments**  
F594 Sch. 23 para. 12 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, Sch. 10

F595 13 .....

**Textual Amendments**  
F595 Sch. 23 para. 13 repealed by Matrimonial Causes Act 1973 (c. 18), Sch. 3

F596 14 .....

**Textual Amendments**  
F596 Sch. 23 para. 14 repealed by Supplementary Benefits Act 1976 (c. 71, SIF 113:1), s. 35(3), Sch. 8

15 F597(1) .....

(3) In section 45(11) of that Act, for the words “county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district ”.

(4) In section 65(3)(a) of that Act, for the words “county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district ”.

**Textual Amendments**  
F597 Sch. 23 para. 15(1)(2) repealed by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, Sch. 16

16 In section 70(1) of the M230 Children and Young Persons Act 1969, in the definition of “local authority”, for the words “means the council of a county, county borough” there shall be substituted the words “ except in relation to proceedings under section I of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a metropolitan district ”.

**Marginal Citations**  
M230 1969 c. 54.

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SCHEDULE 24 **E+W**

Section 202.

AMENDMENTS OF <sup>M231</sup>TRANSPORT ACT 1968, PART II

**Marginal Citations**

**M231** 1968 c. 73.

**PART I **E+W****

AMENDMENTS OF GENERAL APPLICATION

1 In section 9(1)(a) (constitution of Passenger Transport Authorities) subparagraph (ii) (persons appointed by the Secretary of State) shall cease to have effect.

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

**C646** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x24</sup>2 In section 11 (financial duty of Passenger Transport Executives) after subsection (3) there shall be inserted the following subsection:—

“(3A) Without prejudice to any power of the Executive to establish specific reserves, the Executive may establish and maintain a general reserve, and the Authority may give to the Executive directions as to any matter relating to the establishment or management of any such general reserve and the carrying of sums to the credit thereof, or the application thereof ; but no part of the moneys comprised in such a general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs.”

**Editorial Information**

**X24** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F598</sup>3 . . . . .

**Textual Amendments**

**F598** Sch. 24 para. 3 repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. IV](#)

<sup>x25</sup>4 After section 15 there shall be inserted the following section:—

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### “15A Additional provisions as to control of Executive by Authority.

- (1) In addition to any power of the Authority under any other provision of this Part of this Act to give directions to the Executive as respects any matter, the Authority may give to the Executive directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters appearing to the Authority to affect the carrying out by the Authority or the Executive of their respective duties under section 9(3) of this Act.
- (2) The Executive shall provide the Authority at such time or intervals and in such form and manner as the Authority may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive and shall furnish the Authority with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Authority may from time to time require.
- (3) The Authority may from time to time cause a review to be made of the organisation of the Executive’s undertaking and may give to the Executive such directions as appear to the Authority from any such review to be requisite to secure that the Executive’s undertaking is organised in the most efficient manner ; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Authority under this subsection, or with the approval of the Authority.”

#### Editorial Information

**X25** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x265</sup> In section 15(1) (Executive to submit certain proposals and estimates for the approval of the Authority) for paragraphs (b) and (c) there shall be substituted the following paragraphs:—

- “(b) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Authority may require to be submitted to the Authority, and any major change proposed to be made in any of those estimates after their approval by the Authority ;
- (c) any proposal for expenditure by the Executive or any subsidiary of theirs, or by any other person in pursuance of arrangements with the Executive, which involves a substantial outlay on capital account”.

#### Editorial Information

**X26** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



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<sup>x27</sup>6 In section 16(1) (annual report prepared jointly by Authority and Executive to be published in such manner as the Secretary of State directs) for the words “as the Minister may direct” there shall be substituted the words “ as the Authority consider appropriate ”.

**Editorial Information**

**X27** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x28</sup>7 In section 23 (directions given by the Secretary of State) in subsections (2) and (3) after the word “Minister” there shall be inserted the words “ or an Authority for a designated area ”.

**Editorial Information**

**X28** The text of Sch. 24 paras. 1, 2, 4–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 In Part I of Schedule 5 (constitution of Passenger Transport Authorities) so much of paragraph 1 as requires the approval of the Secretary of State to the appointment of the chairman of an Authority shall cease to have effect.

**PART II E+W**

<sup>F599</sup>9–17 .....

**Textual Amendments**

**F599** Sch. 24 Pt. II repealed by Transport Act 1985 (c. 67, SIF 126), ss. 57(6), 139(3), Sch. 3 para. 25, Sch. 8

**SCHEDULE 25 E+W**

Section 204.

**AMENDMENTS OF LICENSING ENACTMENTS**

**PART I E+W**

**AMENDMENTS OF <sup>M232</sup>LICENSING ACT 1964**

**Marginal Citations**

**M232** 1964 c. 26.

1 For subsection (1) of section 2 there shall be substituted the following subsection:

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“(1) The licensing districts for the purposes of this Act Shall be the petty sessions areas, within the meaning of the Magistrates Courts Act 1952”.

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

**C647** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F600<sub>2</sub> .....

**Textual Amendments**

**F600** Sch. 25 paras. 2, 7 repealed (with saving) by [Licensing \(Alcohol Education and Research\) Act 1981](#) (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I** (and repealed (24.11.2005) by [Licensing Act 2003](#) (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**)

- 3 (1) In section 66, for the words “county or county borough” in each place where they occur, there shall be substituted the word “ district ”.
- (2) In subsection (4)(b) of that section, for the words “clerk of the county council or town clerk of the county borough” there shall be substituted the words “ proper officer of the district council ” and for the word “1968” there shall be substituted the word “ 1975 ”.
- (3) In subsection (7) of that section, for the words “clerk of the county council or town clerk” there shall be substituted the words “ proper officer of the district council ”.

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

**C648** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 4 (1) In section 67, for the words “county or county borough” in each place where they occur, there shall he substituted the word “ district ”.
- (2) In subsection (3) of that section for the words “chairman of the county council or mayor” there shall be substituted the words “ chairman of the district council ” and for the words “clerk of the county council or town clerk” there shall be substituted the words “ proper officer of the district council ”.

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

**C649** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- 5 In section 180(1)(a) for the words “county or county borough” there shall be substituted the words “district or part thereof”.

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

**C650** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 In Schedule 2. for paragraphs (a) to (c) of paragraph 5 there shall be substituted the following paragraphs:—

- “(a) if the premises to be licensed are outside Greater London, to the proper officer of the district council, and
- (b) if the premises to be licensed are in a parish, to the proper officer of the parish council or, where there is no parish council, to the chainman of the parish meeting; and
- (c) if the premises are in a community where there is a community council, to the proper officer of that council.”

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

**C651** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F6017

**Textual Amendments**

**F601** Sch. 25 paras. 2, 7 repealed (with saving) by [Licensing \(Alcohol Education and Research\) Act 1981](#) (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I** (and repealed (24.11.2005) by [Licensing Act 2003](#) (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**)

- 8 (1) For paragraphs I to 3 of Schedule 8 there shall be substituted the following paragraphs:—

“1 Subject to paragraph 3 below, the rules made by the Secretary of State under section 42 of the Local Government Act 1972 for the conduct of elections of councillors for local government areas shall have effect in their application to polls under section 66 of this Act subject to such adaptations, alterations exceptions as seem appropriate to the Secretary of State.

2 Subsections (1) and (3) of section 243 of the Local Government Act 1972 shall apply to the day fixed for the poll under section 66 of this Act as they have effect by virtue of paragraph 1 above and to the day

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or last day on which anything is required or permitted to be done by this Schedule as they apply to the day or the last day on which anything is required or permitted to be done by any provision to which the said subsection (1) applies, and references in subsections (4) and (5) of that section to any rules mentioned in subsection (2) of that section shall be construed as including references to any such rules as they have effect by virtue of paragraph 1 above.

3 The adaptations and alterations made by the Secretary of State under paragraph 1 above shall provide for the use, subject to any variations which in the circumstances appear to the Secretary of State to be appropriate, of the forms B to E in the Appendix to this Schedule, or of forms substantially to the like effect, in place of any corresponding forms required by the rules referred to in paragraph 1 above.”

(2) Paragraph 4 of that Schedule shall be omitted.

(3) In paragraph 6 of that Schedule, for the word “county”, each place where it occurs (except in passages omitted by the following provision of this sub-paragraph) there shall be substituted the word “district”; in sub-paragraph (1) of that paragraph the words “In a county”; the words “and in a county borough divided into wards the mayor”, the words “or county borough” in the first two places where they occur, and the words from “except that” to the end of the sub-paragraph shall be omitted; in sub-paragraph (2) the words “or county borough” and the words “or mayor”, both places where they occur, shall be omitted; and in sub-paragraph (3) the words “or mayor” and “or county borough” shall be omitted.

(4) In paragraph 7, for the word “county” in each place where it occurs (except in the expression “county borough”) there shall be substituted the word “district” and the following words, in each place where they occur, shall be omitted, namely “or county borough or mayor” and “or borough”

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

**C652** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 (1) In the Appendix to Schedule 8 to that Act, in forms A to C and E for the words “[county of ] [county borough of ]” there shall be substituted the words “[district of ] ” and, in form A, for the words “county [borough]” there shall be substituted the word “district”.

(2) In Form D in that Appendix, the words “[ electoral division of the county of ] [county borough of ]”, in each place where they occur, shall be omitted and, subject to those omissions, for the words “county borough” or “county [borough]”, in each place where they occur, there shall be substituted the word “district”.

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

**C653** The text of Sch. 25 paras. 1, 3–6, 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART II E+W**

**F602** 10–12 .....

**Textual Amendments**

**F602** Sch. 25 Pt. II paras. 10–12 repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

**SCHEDULE 26 E+W**

Section 214.

**CEMETERIES AND CREMATORIA**

*Discharge of functions of burial authorities*

1 In relation to a cemetery or crematorium maintained immediately before 1st April 1974 by a burial board, joint burial board or committee which ceases to exist by virtue of section 214 above the functions conferred by the said section 214 and this Schedule shall, subject to the provisions of any order made under section 254 above, be exercised on and after that date by whichever of the following burial authorities is relevant:—

- (a) where the area of the board or committee becomes wholly comprised on that date in a parish or community having a parish or community council, whether separate or common, that council;
- (b) where that area becomes comprised in two or more such parishes or communities, the councils of those parishes or communities, acting jointly;
- (c) where that area becomes wholly comprised in a parish not having a parish council, the parish meeting of the parish;
- (d) where that area becomes wholly comprised in two or more parishes not having parish councils, the parish meetings for those parishes acting jointly;
- (e) where that area becomes wholly comprised in two or more parishes of which one or more have, and one or more have not, parish councils, the parish council or councils and the parish meeting or meetings of the parish or parishes not having parish councils, acting jointly;
- (f) where that area becomes wholly comprised in a community not having a community council or in two or more such communities, the council of the district in which that community or those communities become comprised or, where they become comprised in different districts, the councils of those districts acting jointly;
- (g) where that area becomes wholly comprised in two or more communities of which one or more have, and one or more have not, community councils,

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the community council or councils and the council or councils of the district or districts in which the community or communities not having community councils become comprised, acting jointly;

- (h) in the case of an area in England none of which becomes comprised in a parish, the council of the district in which it becomes comprised or, where it becomes comprised in two or more districts, the councils of those districts acting jointly;
- (i) where that area becomes comprised partly in a parish or parishes and partly in an area which is not a parish, the parish council or councils or parish meeting or meetings, as the case may be, of that parish or those parishes and the court or councils of the district or districts in which it becomes comprised, acting jointly.

- 2 Where by virtue of paragraph 1 above the functions conferred by section 214 above and this Schedule become exercisable by two or more burial authorities, then, unless a joint board is established under section 6 of the <sup>M233</sup>Public Health Act 1936 to exercise those functions, it shall be their duty to make arrangements under Part VI of this Act for the discharge of those functions by a joint committee of those authorities.

#### Marginal Citations

<sup>M233</sup> 1936 c. 49.

- 3 Section 6 of the <sup>M234</sup>Public Health Act 1936 (establishment of joint boards to perform the functions of local authorities under the Public Health Acts) shall have effect as if the provisions of the <sup>M235</sup>Cremation Acts 1902 <sup>M236</sup> and 1952, section 214 above and this Schedule were part of that Act and as if the reference to local authorities and their districts—
- (a) so far as those sections relate to functions with respect to cemeteries, included references to burial authorities and their areas; and
  - (b) so far as those sections relate to functions with respect to crematoria, included references to burial authorities, other than parish meetings, and the areas of such authorities.

#### Marginal Citations

<sup>M234</sup> 1936 c. 49.

<sup>M235</sup> 1902 c. 8.

<sup>M236</sup> 1952 c. 31.

- 4 Where in pursuance of paragraph 2 above two or more burial authorities make arrangements under Part VI of this Act for the discharge of their functions by a joint committee, and if any of those authorities wish, and one or more of the others do not wish, to alter the arrangements, the arrangements may be changed or ended—
- (a) where those authorities are the councils of parishes or communities or groups of parishes or communities situated in the same district, by the council of that district;
  - (b) in any other case, by the Secretary of State.

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- 5 In the following provisions of this Act, that is to say, sections 101 to 106, 111, 112, 124, 125, 139 and Part I of Schedule 13 so far as they relate to functions conferred by section 214 above and this Schedule, any reference to a local authority or a parish council shall include a reference to a parish meeting or, as may be appropriate, the parish trustees of a parish, and section 109 above shall not apply to those functions.
- 6 Notwithstanding anything in section 150 above, a parish or community council or parish meeting may by resolution declare any expenses incurred by them in the discharge of functions under section 214 above and this Schedule to be chargeable only on such part of their area as may be specified in the resolution, and any such resolution may be varied or revoked by a subsequent resolution of the council or meeting, as the case may be.
- 7 If the constituent local authorities of a joint committee of burial authorities are unable to purchase by agreement and on reasonable terms suitable land for the purpose of enabling the committee to exercise their powers under section 214 above and none of those authorities is a district council, the committee may represent the case to the council of the district in which their area or any part of it is situated, and thereupon section 125 above shall apply as if the committee were a parish or community council and their area were a parish or community.
- 8 The district council in making and the Secretary of State in confirming an order under that section as applied by paragraph 7 above shall take account of the needs of the whole area of the committee even if it is partly outside the district.
- 9 Land acquired in pursuance of paragraph 7 above shall be conveyed to one or more of, or of the bodies qualified to hold land on behalf of, the constituent local authorities.

#### *Provision and management of cemeteries*

- 10 Sections 15<sup>F603</sup> . . . of the <sup>M237</sup>Public Health Act 1936 shall apply to the carrying out of works by the council of a district or London borough or the Common Council outside their respective areas for the purpose of a cemetery or crematorium as they apply to the construction of sewage disposal works by such a council outside their area.

#### **Textual Amendments**

**F603** Words repealed by [S.I. 1974/595](#)

#### **Marginal Citations**

**M237** 1936 c. 49.

- 11 (1) Subject to the provisions of any order made under section 214(3) above, the council of a district or London borough and the Common Council may make byelaws with respect to the management of any cemeteries provided by them and a parish or community council or parish meeting may adopt for any cemetery provided by them any byelaws made under this paragraph by the district council and duly confirmed.

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- (2) The confirming authority in relation to byelaws made under this paragraph shall be the Secretary of State.

F604 12, .....  
13.

#### Textual Amendments

F604 Sch. 26 paras. 12, 13, 18–23 repealed by S.I. 1974/628

- 14 Until the first order under section 214(3) above takes effect, the <sup>M238</sup>Cemeteries Clauses Act 1847, except sections 15, 25, 27, 28, 30 to 35, 60, 66 and 67, shall be incorporated with this Act, but—
- (a) when the first order under that subsection takes effect, the said Act of 1847 shall cease to apply to cemeteries provided by local authorities, and
  - (b) section 10 of that Act (cemeteries not to be within a certain distance of houses) shall cease to have effect on 1st April 1974.

#### Marginal Citations

M238 1847 c. 65.

#### *Saving, amendments and modifications of enactments*

- 15 Section 214(1) above shall not affect the power to make an Order in Council under section 1 of the <sup>M239</sup>Burial Act 1853 or section 2 of the <sup>M240</sup>Burial Act 1855 with respect to the discontinuance of burials; and—
- (a) the power to make such an Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Secretary of State) be exercisable in relation to all cemeteries provided under section 214 above or in Greater London provided otherwise; and
  - (b) section 51 of the <sup>M241</sup>Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this paragraph as it applies to burial grounds in which interments are discontinued under that Act;
- but nothing in any such Order shall prevent the interment of the body of any person in the Cathedral Church of St. Paul, London, or in the Collegiate Church of St. Peter, Westminster, if Her Majesty signifies Her approval that the body be so interred.

#### Marginal Citations

M239 1853 c. 134.  
M240 1855 c. 128.  
M241 1852 c. 85.

- <sup>x29</sup>16 In section 1 of the <sup>M242</sup>Burial Act 1859, for the word “churchwardens”, in the first place where it occurs, there shall be substituted the words “burial authority”, for the words from “church wardens” in the second place where it occurs to “situate”



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there shall be substituted the words “ council of the district or London borough or the Common Council of the City of London, as the case may be ” and for the word “churchwardens”, wherever it subsequently occurs, there shall be substituted the word “ Council ”.

**Editorial Information**

**X29** The text of Sch. 26 para. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M242** 1859 c. 1. (22 Vict.).

17 In Part III of Schedule 5 to the <sup>M243</sup>Public Health Act 1875, the paragraph relating to section 83 of the Act 11 and 12 Vict. c. 63 shall in Greater London apply only within the outer London boroughs and shall outside Greater London apply to, and only to, a church or other place of public worship—  
(a) to which it applies immediately before 1st April 1974 or would have so applied if the building had then been completed; or  
(b) the building of which begins on or after that date.

**Marginal Citations**

**M243** 1875 c. 55.

<sup>F605</sup>18–23 . . . . .

**Textual Amendments**

**F605** Sch. 26 paras. 12, 13, 18–23 repealed by S.I. 1974/628

24 It shall not be necessary for the Secretary of State to approve any table of fees as required by section 9 of the <sup>M244</sup>Cremation Act 1902, but any burial authority for the purposes of that Act shall keep such a table and it shall be available for inspection by the public at all reasonable times.

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

**C654** Sch. 26 para. 24 extended by S.I. 1977/293, art. 5(2)

**Marginal Citations**

**M244** 1902 c. 8.

25 A burial authority within the meaning of section 214 above shall also be a burial authority for the purposes of <sup>F606</sup> . . . the <sup>M245</sup>Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.

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**Textual Amendments**

**F606** Words repealed by [S.I. 1974/628](#)

**Marginal Citations**

**M245** [1970 c. 29](#).

SCHEDULE 27 **E+W**

**F607**<sup>1</sup> .....

**Textual Amendments**

**F607** [Sch. 27 paras. 1, 5–10, 12–15](#) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

**F608**<sup>2–4</sup> .....

**Textual Amendments**

**F608** [Sch. 27 paras. 2–4, 11](#) repealed by [Administration of Justice Act 1973 \(c. 15\)](#), ss. 19(1), 20, **Sch. 5 Pt. II** and expressed to be repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

**F609**<sup>5–10</sup> .....

**Textual Amendments**

**F609** [Sch. 27 paras. 1, 5–10, 12–15](#) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

**F610**<sup>11</sup> .....

**Textual Amendments**

**F610** [Sch. 27 paras. 2–4, 11](#) repealed by [Administration of Justice Act 1973 \(c. 15\)](#), ss. 19(1), 20, **Sch. 5 Pt. II** and expressed to be repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

**F611**<sup>12–15</sup> .....

**Textual Amendments**

**F611** [Sch. 27 paras. 1, 5–10, 12–15](#) repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, **Sch. 3**

**F612**<sup>16</sup> .....

**Textual Amendments**

**F612** [Sch. 27 para. 16](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

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F613 17 .....

**Textual Amendments**

**F613** Sch. 27 para. 17 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F614 18 .....

**Textual Amendments**

**F614** Sch. 27 para. 18 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F615 19 .....

**Textual Amendments**

**F615** Sch. 27 para. 19 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

SCHEDULE 28 **E+W**

Section 221.

BOROUGH CIVIL COURTS TO BE ABOLISHED

- 
- Abingdon Court of Record
  - Andover Court of Record
  - Arundel Court of Record
  - Banbury Court of Record
  - Barnstaple Court of Record
  - Basingstoke Court of Record
  - Bath Court of Record
  - Beaumaris Court of Record
  - Beccles Fen Court
  - Bedford Court of Pleas
  - Beverley Court of Record
  - Bewdley Court of Record
  - Bideford Court of Record
  - Birmingham Borough Court
  - Blandford Forum Court of Record
  - Bodmin Court of Record
  - Boston Court of Record
  - Brecon Court of Record

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Bridgwater Court of Record  
Bridport Court of Record  
Bristol Mayor's Court  
Buckingham Three Weeks Court  
Bury St. Edmunds Court of Record  
Cambridge Court of Pleas  
Canterbury Mayor's Court  
Cardiff Court of Record  
Carlisle Mayor and Bailiff's Court  
Chester Courts of Portmote and of Pentice and Passage  
Chichester Court of Record  
Chipping Norton Court of Record  
Clitheroe Borough Court  
Colchester Law Hundred and Foreign Courts  
Congleton Court of Record  
Conway Court Baron  
Coventry Court of Record  
Dartmouth Court of Record  
Daventry Court of Record  
Deal Court of Record  
Denbigh Court of Pleas  
Derby Court of Record  
Devizes Court of Record  
Doncaster Court of Pleas  
Dorchester Court of Record  
Dover Court of Record  
Droitwich Court of Record  
Evesham Court of Record  
Exeter Court of Record  
Eye Court of Record  
Falmouth Court of Pleas and Record  
Faversham Portmote Court  
Folkestone Court of Record  
Gloucester Court of Record  
Godmanchester Court of Pleas

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Grantham Court of Record  
Gravesend Court of Record  
Great Grimsby Mayor's Court  
Great Torrington Court of Record  
Great Yarmouth Borough Court  
Guildford Court of Record  
Hartlepool Court of Pie Poudre, etc.  
Harwich Court of Pleas  
Hastings Court of Record  
Haverfordwest Intrinsic Court  
Hedon Court of Pleas  
Helston Court of Record  
Hereford Mayor's Court  
Hertford Court of Record  
High Wycombe Court of Record  
Huntingdon Court of Pleas  
Hythe Court of Record  
Ipswich Court of Small Pleas  
King's Lynn Guildhall Court  
Kingston upon Thames Court of Record  
Kirkby-in-Kendal Court of Record  
Lancaster Borough Court of Pleas  
Launceston Court of Record  
Leicester Court of Record  
Leominster Court of Record  
Lichfield Court of Record  
Lincoln Borough Mote Court and Court for Foreigners  
Liskeard Court of Record  
Llandovery Bailiffs' Court  
Lyme Regis Court of Hustings  
Macclesfield Hundred Court  
Maidenhead Court of Record  
Maidstone Court of Pleas  
Marlborough Mayor's or King's Court  
Monmouth Borough Court

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Neath Court of Pleas  
Newark Court of Record  
Newbury Court of Record  
Newcastle-under-Lyme Court of Record  
Newcastle upon Tyne Burgess and Non-Burgess Courts  
Newport (Isle of Wight) Court of Record  
Newport (Monmouthshire) Court of Record  
Northampton Court of Record  
Norwich Court of Pleas  
Nottingham Court of Record  
Oxford Court of Husting  
Oxford Mayor's Court  
Pembroke Mayor's Fortnight Court  
Penryn Court of Record  
Penzance Court of Record  
Plymouth Mayor's Court  
Pontefract Courts  
Poole Court of Record  
Portsmouth Court of Record  
Preston Court of Pleas  
Reading Borough Court of Record  
Retford (East) Court of Record  
Ripon Borough Court  
Rochester Court of Portmote  
Romsey Court of Record  
Ruthin Court of the Lordship  
St. Albans Court of Record  
St. Ives (Cornwall) Court of Record  
Salisbury Bishop's Court  
Scarborough Court of Pleas  
Shaftesbury Court of Record  
Shrewsbury Court of Record  
Southampton Court of Record  
Southwark Court of Record  
Southwold Court of Record

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Stafford Court of Record  
Stockport Court of Portemani mote  
Stratford-upon-Avon Court of Record  
Swansea Court of Record  
Tamworth Court of Record  
Tenby Court of Record  
Totnes Court of Record  
Truro Court of Record  
Wallingford Court of Record  
Walsall Court of Record  
Wells Court of Record  
Welshpool Court of Record  
Weymouth and Melcombe Regis Court of Record  
Wigan Court of Pleas  
Winchester City Town Court  
Windsor Record Court  
Worcester Court of Record  
York Court of Record

VALID FROM 12/01/2010

<sup>F616</sup>SCHEDULE  
28A **E+W**

AMENDMENT OF LAWS RELATING TO FREEDOMS OF CITIES AND TOWNS

**Textual Amendments**

**F616** Sch. 28A inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 28(3), 148(1)(d)

*Introductory*

- 1 (1) This Schedule makes provision for the laws relating to freedom of a city or town to be amended by, or pursuant to, a resolution of persons admitted to that freedom.
- (2) The powers conferred by this Schedule are without prejudice to any other power to amend the law relating to freedom of a city or town.
- (3) In this Schedule—

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“appropriate national authority” means—

- (a) the Secretary of State, in relation to a city or town in England;
- (b) the Welsh Ministers, in relation to a city or town in Wales;

“enactment” includes in particular—

- (a) a royal charter or other instrument made under the royal prerogative;
- (b) any instrument made under an enactment.

*Powers to amend law in respect of women and civil partners*

- 2 (1) The purposes of this paragraph are—
- (a) to provide for a woman to have the right to be admitted to freedom of a city or town in any or all circumstances where a man has that right;
  - (b) to enable a woman admitted to the freedom of a city or town (whether pursuant to this Schedule or otherwise) to use the title “freewoman”;
  - (c) to put a civil partner or surviving civil partner of a person admitted to freedom of a city or town in the same position as a spouse or surviving spouse of such a person.
- (2) The appropriate national authority may by order amend an Act for any purpose of this paragraph, if the amendment is proposed by a qualifying resolution.
- (3) A qualifying resolution may amend—
- (a) any enactment other than an Act, or
  - (b) the law established by custom,
- for any purpose of this paragraph.
- (4) An amendment may not be made under this paragraph for the purpose specified in sub-paragraph (1)(a) if the effect of the amendment in any case or circumstances would be to deprive a man of the right to be admitted to freedom of a city or town.
- (5) A provision of a public general Act may not be amended under this paragraph unless the provision relates only to—
- (a) a particular city or town, or
  - (b) a specified group of cities or towns.

*Power to amend royal charters*

- 3 (1) Her Majesty may by Order in Council amend the law relating to rights of admission to freedom of a city or town where—
- (a) the law is contained in a royal charter; and
  - (b) the amendment is proposed in a qualifying resolution.
- (2) It is immaterial for the purposes of sub-paragraph (1) above whether the amendment is one which could be made under paragraph 2(3) above.
- (3) An Order in Council under this paragraph is not a statutory instrument for the purposes of the Statutory Instruments Act 1946.

*Powers to amend laws established by custom*

- 4 (1) A qualifying resolution may amend the law relating to rights of admission to freedom of a city or town where the law is established by custom.



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- (2) The power in sub-paragraph (1) above does not include power to make an amendment which could be made under paragraph 2(3) above.

#### *Consequential amendments*

- 5 (1) The power to make an amendment under paragraph 2(2) above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
- (a) any enactment, or
  - (b) the law established by custom.
- (2) The power to make an amendment under paragraph 2(3), 3 or 4 above includes power (exercisable in the same way and subject to the same conditions) to make consequential amendments to—
- (a) any enactment other than an Act, or
  - (b) the law established by custom.
- (3) Where an amendment is made under paragraph 2(3), 3 or 4 above, the appropriate national authority may by order make consequential amendments to any Act, if the consequential amendments are proposed by a qualifying resolution.
- 6 (1) Where by virtue of an amendment under paragraph 2, 3 or 4 above a person has the right of admission to freedom of city or town, the following amendments in particular are to be regarded as consequential for the purposes of this Schedule—
- (a) an amendment for the purpose of putting that person in the same position as any other person admitted to that freedom;
  - (b) an amendment for the purpose of putting a person who by marriage, civil partnership, descent, employment or otherwise is or has been related to or associated with that person in the same position as a person correspondingly related to or associated with any other person admitted to that freedom;
  - (c) an amendment for the purpose of putting a person who is or has been related by marriage or civil partnership to a surviving spouse or civil partner or child of that person in the same position as a person correspondingly related to the surviving spouse or civil partner or child of any other person admitted to that freedom.
- (2) In determining for the purposes of sub-paragraph (1) above whether one relationship corresponds with another, differences of gender are to be ignored.

#### *Qualifying resolutions*

- 7 (1) For the purposes of this Schedule, a “qualifying resolution” is a resolution—
- (a) in relation to which the requirements of paragraph 8 below are complied with; and
  - (b) which is passed in accordance with paragraph 9 below.
- 8 (1) The requirements of this paragraph in relation to a resolution are as follows.
- (2) The resolution must be proposed by three or more eligible persons.
  - (3) Voting on the resolution is to be by postal ballot.

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- (4) The proposers must make reasonable endeavours to secure that each eligible person is sent—
- (a) a notice of the ballot, and
  - (b) a ballot paper.
- (5) The notice must state—
- (a) the resolution proposed,
  - (b) the purpose of the resolution, and
  - (c) the date by which ballot papers must be returned (the “voting date”).
- (6) Any notice and ballot paper must be sent at least 28 days before the voting date.
- (7) For the purposes of this paragraph, a notice or ballot paper is sent to a person on the day it is posted by first class post to the last known address of that person.
- 9 (1) A resolution is passed in accordance with this paragraph if—
- (a) it is passed by a majority of the eligible persons voting on the resolution,
  - (b) the number of eligible persons voting on the resolution is at least 10% of the number of eligible persons to whom notice is sent under paragraph 8(4) above, and the resolution is notified to the relevant council within six weeks from the voting date.
- (2) For the purposes of sub-paragraph (1)(c) above, the resolution is notified by delivery of the following documents to the relevant council—
- (a) a copy of the resolution;
  - (b) a copy of the notice sent under paragraph 8(4) above;
  - (c) a statement in writing of the names of the eligible persons to whom the notice was sent;
  - (d) a statement in writing of the number of eligible persons who voted on the resolution and of the number who voted in favour of it;
  - (e) all ballot papers returned in accordance with the notice.
- (3) The relevant council must keep the documents delivered under sub-paragraph (2) above, but need not keep those within paragraphs (b) to (e) of that sub-paragraph if it considers that it is no longer reasonably necessary to do so.
- 10 In paragraphs 8 and 9 above—
- “eligible person” means a person whose name is on the roll of persons admitted to the freedom of the city or town concerned kept under section 248(2) above;
- “relevant council” means—
- (a) in relation to a city or town in England—
    - (i) the district council in whose area the city or town is situated, or
    - (ii) if the city or town is not in the area of a district council, the county council in whose area it is situated;
  - (b) in relation to a city or town in Wales, the principal council in whose area the city or town is situated.

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### Order-making powers: supplementary

- 11 (1) A statutory instrument containing an order under this Schedule which contains an amendment to a public general Act is subject to annulment—
- (a) by either House of Parliament, in the case of an order made by the Secretary of State;
  - (b) by the National Assembly for Wales, in the case of an order made by the Welsh Ministers.]

## SCHEDULE 29 E+W+S

Section 251.

### ADAPTATION, MODIFICATION AND AMENDMENT OF ENACTMENTS

#### PART I E+W

##### GENERAL ADAPTATION OF ENACTMENTS

- 1 (1) This paragraph applies to any enactment passed before, or during the same session as, this Act, and any instrument made before this Act under any enactment.
- (2) Any reference in any such enactment or instrument to a local authority within the meaning of the 1933 Act shall be construed as a reference to a local authority within the meaning of this Act.
- 2 In any enactment or instrument to which paragraph 1 above applies any reference to a district which is such a reference by virtue only of a provision of this Act shall be construed as a reference to a district within the meaning of this Act.
- 3 In any enactment or instrument to which paragraph 1 above applies—
- (a) references to expenses, including expenses of a specified description, incurred for general county purposes or general London purposes or to expenditure on which the whole of the county or the whole of Greater London is chargeable shall be construed as references to general expenses of a county council or the Greater London Council, as the case may be;
  - (b) references to expenses, including expenses of a specified description, incurred for special county purposes or special London purposes or to expenditure on which a part only of the county or Greater London is chargeable shall be construed as references to special expenses of a county council or the Greater London Council, as the case may be; and
  - (c) references to receipts of a county council or the Greater London Council for general or special county purposes shall be construed as references to receipts of a county council or the Greater London Council in respect of general or, as the case may be, special expenses.
- 4 (1) Subject to sub-paragraph (2) below, in any enactment or instrument to which paragraph 1 above applies—
- (a) any reference to a specified officer of a local authority shall be construed as a reference to the proper officer of a local authority;
  - (b) any reference to a specified officer of a county council shall be construed as a reference to the proper officer of a county council;

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- (c) any reference to a specified officer of a borough or of the council of a county district (whether referred to as such or as the council of a borough or urban or rural district) shall be construed as a reference to the proper officer of a district council;
  - (d) any reference to a specified officer of a rural parish (whether referred to as such or as a parish) shall be construed as a reference to the proper officer of a parish or community council, as the case may be.
- (2) Sub-paragraph (1) above shall not apply in any case where the reference is to any officer of a specified local authority which ceases to exist by virtue of section 1 or 20 of this Act, and shall not apply to any reference in any enactment to an officer specified in section 112(4) above.
- 5 In any enactment or instrument to which paragraph 1 above applies any reference to a representative body of a parish—
- (a) as respects England, shall be construed as a reference to the parish trustees of the parish; and
  - (b) as respects Wales, shall be disregarded.
- 6 (1) This paragraph applies for the construction of any enactment passed before 22nd March 1967, and shall have effect subject to any contrary intention which may appear in any such enactment.
- (2) In any such enactment any reference to a parish shall—
- (a) as respects those areas in England outside Greater London which immediately before 1st April 1974 constituted urban parishes, other than urban parishes in a rural district, be construed as a reference to each such area or, where the area is divided between more than one district, as a reference to each part of the area so divided; and
  - (b) in the case of the areas mentioned in paragraph 3 of Part IV of Schedule 1 to this Act, be construed as a reference to each such area.
- (3) In any such enactment any reference to an urban parish shall, as respects those areas of England outside Greater London which immediately before 1st April 1974 constituted urban parishes, be construed as a reference to each such area or, where the area is divided between more than one district, as a reference to each part of the area so divided.
- (4) In any such enactment any reference to a rural parish shall as respects the areas mentioned in paragraph 3 of Part IV of Schedule 1 to this Act be construed as a reference to each such area.
- (5) In any such enactment any reference to an urban parish shall as respects Wales be construed as a reference to a community.
- (6) As respects Greater London any reference to a parish or urban parish—
- (a) in any such enactment relating to rating and valuation shall be construed as a reference to a rating district;
  - (b) in any other such enactment shall be construed as a reference to a rating area.

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### Textual Amendments

**F617** Sch. 29 para. 7 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), Sch. 6 Pt. IV (with saving in S.I. 1983/249, reg. 2)

- 8 The foregoing provisions of this Schedule shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act.

## PART II E+W+S

### PARTICULAR MODIFICATIONS AND AMENDMENTS

#### *Allotments*

- 9 (1) As respects a parish in England those functions under the Allotments Acts 1908 to 1950 which, apart from this paragraph, would be exercisable both by the district council and the parish council or parish meeting shall not be exercisable by the district council.
- <sup>x30</sup>(2) In section 34 of the <sup>M246</sup>Small Holdings and Allotments Act 1908, in subsection (1), for the words from “submit to the council” to the words “partly situate” there shall be substituted the words “prepare and carry into effect”.
- <sup>x30</sup>(3) In subsection (2) of that section, for the words from “no county council” to the words “being made” there shall be substituted the words “Upon such a scheme being carried into effect”.
- <sup>x30</sup>(4) In section 39(7) of that Act, for the word “county”, wherever occurring, there shall be substituted the word “district”.
- <sup>x30</sup>(5) In section 52(3) of that Act, after the word “county” there shall be inserted the words “or district”.

### Editorial Information

**X30** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M246** 1908 c. 36.

- <sup>x31</sup>10 (1) In section 9(1) of the <sup>M247</sup>Land Settlement (Facilities) Act 1919, for the word “county” there shall be substituted the word “district”.
- (2) In section 12(1) and in section 17 of that Act, for the word “county” there shall be substituted the word “district”.

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#### **Editorial Information**

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#### **Marginal Citations**

**M247** 1919 c. 59.

- 11 In section 4 of the <sup>M248</sup>Small Holdings and Allotments Act 1926, for the word “county”, wherever occurring, there shall be substituted the word “ district ”.

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

**C655** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M248** 1926 c. 52.

### *Ancient monuments*

- 12 (1) In section 21(1) of the <sup>M249</sup>Ancient Monuments Consolidation and Amendment Act 1913 after the word “and”, where it first occurs, there shall be inserted the words “ district and of every London ”.
- (2) In the Schedule to the <sup>M250</sup>Field Monuments Act 1972, in paragraph 3, for the words from “borough, including” onwards there shall be substituted the words “ district or London borough ”.

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

**C656** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M249** 1913 c. 32.

**M250** 1972 c. 43.

### *Betting and gaming*

- 13 (1) In paragraph 1(1)(a) of Schedule 2 to the <sup>M251</sup>Betting, Gaming and Lotteries Act 1963 for the words “county, county borough or London borough” there shall be substituted

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the words “ district or London borough and the Common Council of the City of London ”.

(2) In Schedule 3 to that Act, in paragraphs 5(2)(a)(i) and 6(2)(b), for the words “county district” there shall be substituted the word “ county ”; . . . <sup>F618</sup>

#### Textual Amendments

**F618** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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

**C657** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M251** [1963 c. 2](#).

#### *Caravan sites*

<sup>X32</sup>14 In section 23 of the <sup>M252</sup>Caravan Sites and Control of Development Act 1960 for the words “rural district council”, wherever occurring there shall be substituted the words “ district council ”.

#### Editorial Information

**X32** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M252** [1960 c. 62](#).

#### *Celluloid and cinematograph film*

<sup>X33</sup>15 In section 9 of the <sup>M253</sup>Celluloid & Cinematograph Film Act 1922, in the definition of “local authority” for the words following “means” there shall be substituted the words “ the council of a county or London borough or the Common Council of the City of London ”.

#### Editorial Information

**X33** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M253** [1922 c. 35](#).

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*Children and young persons*

16 In Schedule 2 to the <sup>M254</sup>Children and Young Persons Act 1969, in paragraph 6, for the words “Part X of that Act” there shall be substituted the words “ Part VIII of the Local Government Act 1972 ” and for the words “section 219(c)” there shall be substituted the words “ section 154(1) ”.

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

**C658** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M254** 1969 c. 54.

*Coast protection*

<sup>X34</sup>17 (1) In section 20 of the <sup>M255</sup>Coast Protection Act 1949,—

- (a) in subsections (1) to (4), for the words “county district”, wherever occurring, there shall be substituted the words “ maritime district ”;
- (b) in subsection (5), for the words “county borough” there shall be substituted the word “ district ”.

(2) In section 21(2) of that Act, for the words “the Seaford Urban District Council” there shall be substituted the words “ a district council. ”

**Editorial Information**

**X34** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M255** 1949 c. 74.

*Consumer protection*

<sup>F619</sup>18 (1) .....

<sup>F620</sup>(2) .....

**Textual Amendments**

**F619** Sch. 29 para. 18(1) repealed by [Consumer Protection Act 1987 \(c. 43, SIF 109\)](#), s. 48(3), **Sch. 5**  
**F620** Sch. 29 para. 18(2) repealed by [Consumer Safety Act 1978 \(c. 38\)](#), s. 10(1), **Sch. 3**



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### Explosives

<sup>x35</sup>19 In section 67 of the <sup>M256</sup>Explosives Act 1875 for paragraph (3) there, shall be substituted the following:—

“(3) Outside Greater London, the council of a county ; and”

and paragraph (5) of that section shall be omitted.

#### Editorial Information

**X35** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M256** 1875 c. 17.

### Gas

20 (1) ..... <sup>F621</sup>

(2) Every application for a certificate under Schedule 3 to that Act with regard to planning permission for the carrying out of controlled operations shall, outside Greater London, be made to the district planning authority, but shall be dealt with by the local planning authority who would have dealt with an application for planning permission for the carrying out of those operations, and the district planning authority shall, as soon as may be after they have received any application for such a certificate which falls to be dealt with by the county planning authority, send the application to the latter.

#### Textual Amendments

**F621** Sch. 29 para. 20(1) repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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

**C659** “Sch. 3 to that Act” means Sch. 3 to the Gas Act 1965 (c. 36)

<sup>F622</sup>21 .....

#### Textual Amendments

**F622** Sch. 29 para. 21 repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. 47(4), **Sch. 8**

### House to house and street collections

22 In section 5 of the <sup>M257</sup>Police, Factories, &c (Miscellaneous Provisions) Act 1916, in subsection (1) for the words “A police authority” there shall be substituted the words “Each of the authorities specified in subsection (IA) below” and for the

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words “the police” there shall be substituted the word “their”, and at the end of that subsection there shall be inserted the following subsection:—

“(1A) The authorities referred to in subsection (1) above are—

- (a) the Common Council of the City of London,
- (b) the police authority for the Metropolitan Police District, and
- (c) the council of each district;

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.”

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

**C660** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M257** 1916 c. 13.

23 (1) In section 2 of the <sup>M258</sup>House to House Collections Act 1939, in subsection (1), for the word “police”, in the first place where it occurs, there shall be substituted the word “licensing” and the word “police”, in the second place where it occurs, shall be omitted.

(2) After that subsection there shall be inserted the following subsection:—

“(1A) In this section “licensing authority” means—

- (a) in relation to the City of London, the Common Council;
- (b) in relation to the Metropolitan Police District, the Commissioner of Police for the Metropolis ; and
- (c) in relation to a district exclusive of any part thereof within the Metropolitan Police District, the district council.”

(3) In that section, in the proviso to subsection (2) and in subsections (3), (4) and (6), for the word “police”, wherever it occurs, there shall be substituted the word “licensing”.

(4) In section 4(2)(e) of that Act the word “police” shall be omitted.

(5) In section 9 of that Act, in subsection (2), for the words from “said Commissioner” to the end of the subsection there shall be substituted the words “Commissioner of Police for the Metropolis by virtue of his being a licensing authority within the meaning of section 2 of this Act”.

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

**C661** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M258** 1939 c. 44.

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F623 24, .....  
25.

**Textual Amendments**

F623 Sch. 27 paras. 24, 25 repealed by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 117(3), Sch. 8

*Land registration*

26 F624 (1) .....

(2) In section 120 of that Act, subsections (4) and (5) (which become unnecessary in view of section 67 of this Act) shall be omitted.

**Textual Amendments**

F624 Sch. 29 para. 26(1) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

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

C662 The text of Sch. 29 paras. 9(2)–19, 21–45 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.

*Licensing of Places of entertainment*

F625 27 .....

**Textual Amendments**

F625 Sch. 29 para. 27 repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

X36 28 At the end of section 25 of the M259 Mines and Quarries (Tips) Act 1969 there shall be added the following subsection—

“(6) Where, by virtue of Part VI of the Local Government Act 1972, a district council incurs any such expenditure as is referred to in subsection (1), grants under this section may be made to the district council and references to a local authority shall be construed accordingly.”

**Editorial Information**

X36 The text of Sch. 29 paras. 9(2)–19, 21–45 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**

M259 1969 c. 10.

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F626<sup>29</sup> .....

**Textual Amendments**

**F626** Sch. 27 para. 29 repealed by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, Sch. 13

*Nurses agencies*

30 In section 2 of the <sup>M260</sup>Nurses Agencies Act 1957, in subsection (1), for the words following “in relation to”, in the second place where they occur, there shall be substituted the words “a non-metropolitan county or London borough, the council of that county or borough, and in relation to a metropolitan district, the council of that district”.

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

**C663** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M260** 1957 c. 16.

*Offices, shops and railway premises*

<sup>X37</sup>31 In section 88 of the <sup>M261</sup>Offices, Shops and Railway Premises Act 1963, for the words “county borough” and the word “borough” there shall in each case be substituted the word “district”.

**Editorial Information**

**X37** The text of Sch. 29 paras. 9(2)–19, 21–45 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**

**M261** 1963 c. 41.

*Petroleum spirit*

<sup>X38</sup>32 In section 2(1)(c) of the <sup>M262</sup>Petroleum (Consolidation) Act 1928 for the words “the district council” there shall be substituted the words “the county council”.

**Editorial Information**

**X38** The text of Sch. 29 paras. 9(2)–19, 21–45 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.

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#### Marginal Citations

M262 1928 c. 32.

### *Pharmacy and poisons*

- 33 In section 29 of the <sup>M263</sup>Pharmacy and Poisons Act 1933, in the definition of “local authority” the words “and as respects a county borough the council of the borough” shall be omitted.

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

C664 The text of Sch. 29 paras. 9(2)–19, 21–45 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

M263 1933 c. 25.

### *Plant health*

- <sup>X39</sup>34 In section 5 of the <sup>M264</sup>Plant Health Act 1967, for subsection (3) there shall be substituted the following subsection:—

“(3) The local authorities for the purposes of this Act shall be the councils of non-metropolitan counties, metropolitan districts and London boroughs and the Common Council of the City of London”.

#### Editorial Information

X39 The text of Sch. 29 paras. 9(2)–19, 21–45 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

M264 1967 c. 8.

### *Police*

- 35 In section 18 of the <sup>M265</sup>Police (Scotland) Act 1967, for the word “Cumberland”, wherever occurring, there shall be substituted the word “Cumbria”.

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

C665 The text of Sch. 29 paras. 9(2)–19, 21–45 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.

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### Marginal Citations

M265 1967 c. 77.

## *Post and telegraph offices*

- 36 In section 51 of the <sup>M266</sup>Post Office Act 1953, in subsection (2) for the words “borough or urban district” there shall be substituted the words “London borough”, and the words “or district”, in both places where they occur, shall be omitted ; and in subsection (3) of that section the word “rural”, in each place where it occurs, the word “contributory”, in the first place where it occurs, and the words from “and any expenses” to the end of the subsection shall be omitted.

### Modifications etc. (not altering text)

C666 The text of Sch. 29 paras. 9(2)–19, 21–45 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

M266 1953 c. 36.

F627 37 .....

### Textual Amendments

F627 Sch. 27 para. 37 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 74(3), Sch. 17 Pt. II

## *Redistribution of seats*

- 38 In paragraph 4(1)(a) of Schedule 2 to the <sup>M267</sup>House of Commons (Redistribution of Seats) Act 1949 sub-paragraphs (ii) and (iv) shall be omitted.

### Modifications etc. (not altering text)

C667 The text of Sch. 29 paras. 9(2)–19, 21–45 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

M267 1949 c. 66.

F628 39 .....

### Textual Amendments

F628 Sch. 27 para. 39 repealed by Pastoral Measure 1983 (No. 1, SIF 21:4), s. 39, Sch. 9

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### Registration services

- <sup>x40</sup>40 In section 57(4) of the <sup>M268</sup>Marriage Act 1949, for the words following “the certified copy” there shall be substituted the words “and that sum shall be reimbursed to the superintendent registrar—
- (a) in the case of a registration district in the City of London, the Inner Temple and the Middle Temple, by the Common Council of the City of London ;
  - (b) in any other case, by the council of the non-metropolitan county, metropolitan district or London borough in which his registration district is situated”.

#### Editorial Information

**X40** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M268** 1949 c. 76.

- <sup>x41</sup>41 (1) In sections 5(1), 10(1) and 13(1) of the <sup>M269</sup>Registration Service Act 1953, for the words “county and county borough”, wherever occurring, there shall be substituted the words “ non-metropolitan county and metropolitan district ”.
- (2) In sections 6(1) and (3), 7(3), 10(1) and (3), 13(2)(a) and (c) and (3)(b), 14(1), (2) and (5), 18(2), (4) and (5) and 21(1) of that Act, for the words “county or county borough” there shall be substituted the words “ non-metropolitan county or metropolitan district ”.
- (3) In section 9(1) of that Act, for the words from “clerk of the county council” to the words “or county borough” there shall be substituted the words “ proper officer of the non-metropolitan county or metropolitan district ”.
- (4) In sections 9(2) and 13(2)(h) and (3)(b) of that Act, for the words “clerk of the county council or town clerk of the county borough” there shall be substituted the words “ proper officer of the non-metropolitan county or metropolitan district ”.
- (5) In section 20(b) of that Act, for the words “clerks of county councils, town clerks of county boroughs” there shall be substituted the words “ proper officers of non-metropolitan counties and metropolitan districts ”.
- (6) In section 21(2)(b) of that Act, for the words “county borough” in both places where they occur, there shall be substituted the words “ metropolitan district ”.

#### Editorial Information

**X41** The text of Sch. 29 paras. 9(2)–19, 21–45 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.

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### Marginal Citations

**M269** 1953 c. 37.

### *Riding establishments*

- <sup>x42</sup>42 In section 6(4) of the <sup>M270</sup>Riding Establishments Act 1964 in the definition of “local authority”, for the words “county borough” there shall be substituted the word “district ” and the words from “as respects any non-county borough” to “of the county” shall be omitted.

### Editorial Information

**X42** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M270** 1964 c. 70.

### *Shops*

- 43 In section 73 of the <sup>M271</sup>Shops Act 1950, in subsection (1), for the words from “as respects any municipal borough” to the end of the subsection there shall be substituted the words— “ as respects any London borough, the council of the borough; and elsewhere, the council of the district ”.

### Modifications etc. (not altering text)

**C668** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M271** 1950 c. 28.

### *Social services*

- <sup>x43</sup>44 (1) In sections 47(12) <sup>F629</sup> . . . of the <sup>M272</sup>National Assistance Act 1948, for the words “countv boroughs and county districts” there shall be substituted the words “ districts and London boroughs and the Common Council of the City of London ”.
- (2) In section 1(5) of the <sup>M273</sup>Trading Representations (Disabled Persons) Act 1958 for the words “county borough or count district or a metropolitan borough” there shall be substituted the words “ other than a metropolitan county, or of a district or London borough ”.



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- (3) In section 46(4) of the <sup>M274</sup>London Government Act 1963 for the words “county borough” there shall be substituted the words “London borough”.
- (4) In section 5(6) of the <sup>M275</sup>Local Authority Social Services Act 1970, for the words “section 59 of the Local Government Act 1933” there shall be substituted the words “section 80 of the Local Government Act 1972”.

#### Editorial Information

**X43** The text of Sch. 29 paras. 9(2)–19, 21–45 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.

#### Textual Amendments

**F629** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)

#### Marginal Citations

**M272** 1948 c. 29.

**M273** 1958 c. 49.

**M274** 1963 c. 33.

**M275** 1970 c. 42.

### *War memorials*

- 45 Section 2 of the <sup>M276</sup>War Memorials (Local Authorities’ Powers) Act 1923 (limit on expenditure on war memorials) shall cease to have effect.

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

**C669** The text of Sch. 29 paras. 9(2)–19, 21–45 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

**M276** 1923 c. 18.

<sup>F630</sup>46 .....

#### Textual Amendments

**F630** Sch. 27 para. 46 repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. II](#)

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X44 SCHEDULE 30 E+W

REPEALS

**Editorial Information**

**X44** The text of Sch. 30 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.

REPEALS

Chapter	Short Title	Extent of Repeal
16 Geo. 2. c. 18.	The Justices Jurisdiction Act 1742.	In section 1 the words "riding, city, liberty, franchise, borough or town-corporate".
7 & 8 Vict. c. 61.	The Counties (Detached Parts) Act 1844.	The whole Act.
7 & 8 Vict. c. 92.	The Coroners Act 1844.	In section 5, the words from "and shall reside" onwards.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act 1847.	Sections 27 and 28.
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act 1847.	Section 10.
12 & 13 Vict. c. 18.	The Petty Sessions Act 1849.	Section 1.
15 & 16 Vict. c. 85.	The Burial Act 1852.	The whole Act, except sections 45, 48 and 51 and in section 52 the words "In this Act" and the definitions of "incumbent" and "churchwarden".
16 & 17 Vict. c. 134.	The Burial Act 1853.	In section 1, the words from "for the protection" to "prohibited, or that" and from "that no new burial" to "case may require".
17 & 18 Vict. c. 87.	The Burial Act 1854.	Sections 6 to 8.
18 & 19 Vict. c. 128.	The Burial Act 1855.	The whole Act.
20 & 21 Vict. c. 81.	The Burial Act 1857.	Sections 3 to 7, 9, 11 to 17 and 19 to 21.
23 & 24 Vict. c. 64.	The Burial Act 1860.	Section 18 except in its application to the City.
34 & 35 Vict. c. 33.	The Burial Act 1871.	The whole Act except sections 10 and 23 to 25.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 10 the words from "in any cemeteries" to "like burials". In section 23, the words "churchwardens or such other", and the words "churchwardens or other", wherever occurring.
		The whole Act.
		In section 26, the words from "The fees payable to the local authority" to the end of the section.
		Section 67(5).
		Section 68.

Chapter	Short Title	Extent of Repeal
38 & 39 Vict. c. 17—cont.	The Explosives Act 1875—cont.	In section 70 the words "In a borough the borough fund or borough rate" and the words from "In any place" to "within their district".
38 & 39 Vict. c. 55.	The Public Health Act 1875.	In section 108, the words from "The expression 'borough'" to "deemed to be a county". In section 4, the definitions of "local authority" and "surveyor". In section 148, the words "or with the surveyor of any county bridge" and "or of any road over any county bridge and the approaches thereto", and the words "or surveyor".
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act 1878.	Section 276.
42 & 43 Vict. c. 31.	The Public Health (Interments) Act 1879.	In Part III of Schedule 5, the paragraphs relating to the Acts 21 & 22 Vict. c. 98 and 29 & 30 Vict. c. 90 and in the paragraph relating to the Act 24 & 25 Vict. c. 61 the words "constituted a burial board".
45 & 46 Vict. c. 49.	The Militia Act 1882.	In section 26 the words "or county borough" and "or borough".
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	The whole Act.
48 & 49 Vict. c. 21.	The Burial Boards (Contested Elections) Act 1885.	Sections 29, 48 and 49 and the Schedules.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	Sections 170, 171 and 178 to 184.
50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	The whole Act.
		Section 5(3).
		In section 9, in paragraph (a) of the definition of "compensation authority", the words "or borough".
		In section 4, the words "nor bailiff of a franchise" and "or bailiwick".
		Section 10(2).
		In section 14(1)(e), the words "or franchise".
		In section 18(1), in subsection (1), the words "or of the due execution of some writ" "or by such writ" and "or receives such writ".
		In section 26, the words "or borough".
		In section 29(1), the words "whether within a franchise or without".

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Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 55—cont.	The Sheriffs Act 1887—cont.	Section 34. Section 36. In section 38, the definition of “county”.
50 & 51 Vict. c. 71.	The Coroners Act 1887.	In section 6(2) the words “if the said coroner is a coroner for a county” and the words from “or if he is” to “it adjoins”. Section 7(2) and (3). In section 25, the words “or borough” and the words from “to be deposited” to “copy thereof”. In section 27(1), the words “or borough”. In section 29(4), the words “or borough”. Sections 30 to 33. Section 38 to 40. In section 41, paragraphs (a) and (b) and, in paragraph (c) the words “in the case of a county” and the words from “or rate” to the end. In section 54(1) the words from “and a such authority” onwards.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act 1888.	Section 3(x).
51 & 52 Vict. c. 41.	The Local Government Act 1888.	Section 5. Section 7. Section 11(11) and (12). In section 28(2), the words “in respect of”, in the last place where they occur, and “of the Explosives Act 1875 or”. Sections 31 to 39. Sections 46 and 48. In section 100, the definition beginning “The expression “main road””.
53 & 54 Vict. c. 59.	The Public Health Acts Amendment Act 1890.	In section 2(2) (as amended by Schedule 11 to the London Government Act 1963) the words from “Parts Two” to the end. Sections 3 and 5. In section 11(5), the words from “local authority” to “the expressions” the words “and “rural authority””, the word “respectively”, in the first two places where it occurs, and the words “and a rural sanitary authority”, “and “rural sanitary district””, and a rural sanitary district”, and “surveyor”.

Chapter	Short Title	Extent of Repeal
55 & 56 Vict. c. 56.	The Coroners Act 1892.	In section 1(1), the words “whether for a county or a borough” and “or mayor, as the case may be”; in section 1(2), the words “or borough, as the case may be”; and section 1(7).
56 & 57 Vict. c. 73.	The Local Government Act 1894.	Section 7. In section 8(1), paragraph (b) and in paragraph (d) the words from the beginning to “public walks, and”, and the word “accordingly”.
60 & 61 Vict. c. 39.	The Yorkshire Coroners Act 1897.	Sections 53 and 62. The whole Act.
60 & 61 Vict. c. 40.	The Local Government (Joint Committees) Act 1897.	The whole Act.
62 & 63 Vict. c. 30.	The Commons Act 1899.	In section 1(1), the words “or rural”. Section 4. Section 13.
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act 1899.	In section 9, subsections (2) to (4) and (8).
62 & 63 Vict. c. 48.	The Lincolnshire Coroners Act 1899.	The whole Act.
63 & 64 Vict. c. 15.	The Burial Act 1900.	In section 1, in subsection (1), the words from “approved” onwards and subsection (2). Section 2(3).
2 Edw. 7. c. 8.	The Cremation Act 1902.	Sections 3, 5, 6 and 10. In section 9 the words “any such” and the words from “as may” to “Board”. In section 12, the words “to be made or approved by the Secretary of State”.
6 Edw. 7. c. 14.	The Alkali, &c. Works Regulation Act 1906.	In section 27, the definition of “sanitary authority”.
6 Edw. 7. c. 44.	The Burial Act 1906.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts (Amendment) Act 1907.	In section 2(2) (as amended by Schedule 11 to the London Government Act 1963) the words from “and all” to the end. Section 3. In section 13, the definitions of “local authority” and “district of the local authority” and the words from “The expressions “clerk”” to “local authority” in the last place where they occur. In section 31 the words from “the Local Government

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Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 53 —cont.	The Public Health Acts (Amendment) Act 1907	Board " to " under this section and ". In section 76(1), the words from the beginning to " under this section ". Section 22.
7 Edw. 7. c. cxl.	The City of London (Union of Parishes) Act 1907.	
8 Edw. 7. c. 16.	The Finance Act 1908.	In section 6, in subsection (2), the words from " fix " to " transfer and may ", and the words from " The transfer under this section " to " any such adjustment ".
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act 1908.	Section 24. Section 27(3). In section 32(1), the words " with the sanction of the county council ". In section 35(1), the words, " by the county council or " and the words " the county council or ". Section 37. Section 53(2). Section 57(3). In section 61(1), the definition of " county council ". Sections 5 and 6.
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	
5 & 6 Geo. 5. c. 48.	The Fishery Harbours Act 1915.	In section 3(1) the words " or rural ".
9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act 1919.	In Schedule 1, in paragraph 1, the words " county fund or " and the words " county or ".
9 & 10 Geo. 5. c. 75.	The Ferries (Acquisition by Local Authorities) Act 1919.	In section 1, in subsection (2) the words " with the approval of the Minister of Transport " in each place where they occur, and in subsection (6) the words " or other " and " or rural ". The proviso to section 1(6).
12 & 13 Geo. 5. c. 11.	The Juries Act 1922.	
12 & 13 Geo. 5. c. 35.	The Celluloid & Cinematograph Film Act 1922.	Section 11(3).
12 & 13 Geo. 5. c. 51.	The Allotments Act 1922.	In section 8(2), the words from " or by the council of a county " to the words " Small Holdings and Allotments Act 1908 ". Section 14. In section 20, the words " county borough or " and the words from " and the provisions of section twenty-four " to the end.

Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 18.	The War Memorials (Local Authorities' Powers) Act 1923.	Section 2.
15 & 16 Geo. 5. c. 20.	The Law of Property Act 1925.	In proviso (d)(ii) to section 195(1) the words " or county borough ". In section 194, in subsection (2) the words " or borough " and in paragraph (b) of the proviso to subsection (3) the words " or county borough ". In section 120, subsections (4) and (5) and in subsection (7) the words from " and includes " to the end of the subsection. Section 3(4). Section 12. Section 14(4). Section 2(2). Sections 4 to 5. In section 16, in subsection (1) the words from " in relation " to " county council or " and subsection (2). Section 18(5). Section 19(3). Section 70. In section 75, the proviso to subsection (2), and subsection (4). Schedules 2 and 3. Sections 9(1), 10, 48, 49, 52 and 54 and Schedule 6.
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	
15 & 16 Geo. 5. c. 61.	The Allotments Act 1925.	
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act 1925.	
16 & 17 Geo. 5. c. 31.	The Home Counties (Music and Dancing) Licensing Act 1926.	In section 3, in subsection (6) the words " the clerk of ", in both places where they occur, and subsection (14). Section 4.
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	In section 9, the words " borough or urban or rural ", and the words " borough or " in each place where they occur.
16 & 17 Geo. 5. c. 59.	The Coroners (Amendment) Act 1926.	In section 1(1), the words " or a coroner of a borough (in this Act referred to as " a borough coroner ") ", the words " or borough ", in the first place where they occur, and the proviso; and in section 1(2), the word " mayor " in both places where it occurs, the words " or borough " in the first place where they occur and the words from " or borough ",

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Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5, c. 39— <i>cont.</i>	The Coroners (Amendment) Act 1926— <i>cont.</i>	in the second place where they occur, to "that council". In section 2, the words "or borough", in each place where they occur. Sections 3 and 4. In section 5(1), the words "or borough"; and section 5(4). In section 6, the words "or borough", in each place where they occur. In section 7, the words "or borough". Section 8. In section 10, the words "and borough". In section 11(1), the words "or borough". In section 12(4), the words "residence and". Sections 22 and 31. In section 11, the proviso to subsection (1) and subsection (2).
17 & 18 Geo. 5, c. 21.	The Moneylenders Act 1927.	
18 & 19 Geo. 5, c. 19.	The Agricultural Produce (Grading and Marking) Act 1928.	In section 4, in subsections (1), (2)(b) and (2)(c) the words "or county borough". In section 5 the words "or county borough", in each place where they occur, the words "in the case of a county council", the words from "and in the case" to "borough, rate" and the words "and county boroughs". Section 10(2) and (3). Section 31(5). In section 117, subsections (3) and (5) to (7). In section 124, the definition beginning "county bridge", Schedule 1.
19 & 20 Geo. 5, c. 17.	The Local Government Act 1929.	In section 107, subsections (1)(a), (2)(a) and (3), so far as not otherwise repealed. In section 108(1), the words "county borough or", in each place where they occur, the word "a", in the last place where it occurs, and the words "as the case may be".
20 & 21 Geo. 5, c. 43.	The Road Traffic Act 1930.	In section 2(2) the words "and county boroughs". In section 3, in subsection (2), the words "and of the county boroughs" in paragraph (b).
20 & 21 Geo. 5, c. 44.	The Land Drainage Act 1930.	
Part III		R

Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5, c. 44— <i>cont.</i>	The Land Drainage Act 1930— <i>cont.</i>	and the words "and county boroughs"; and in subsection (3) the words "and of county boroughs" and the proviso. In section 4(2) the words "county borough". In section 6(4) the words "county borough". In section 10(4) the words "or county borough", in each place where they occur. In section 12(1) the words "county borough". In section 18 the words "or county borough", in each place where they occur. In section 20, in subsection (1)(b) the words "and county boroughs", and in subsection (4) the words "and county boroughs". In section 21(5)(b) the words "or county borough". In section 22, in subsection (1) the words "and county boroughs", in subsection (2) the words "or county borough", in each place where they occur; and the words "and county boroughs", and in subsection (4) the words "or county borough". Section 23(2). In section 38(2) the words "for the purposes of the Public Health Acts 1875 to 1926". In section 49, in subsection (1), the words "or county borough", and in subsection (2) the words "or county borough". In section 50, in subsection (1), the words "or of a county borough" and "or county borough", in subsection (2) the words "or of a county borough" and "or county borough", and in subsection (4) the words "or county boroughs". In section 51(1) the words "or county borough". In section 53, in subsection (1) the words "or county borough", in paragraph (a) the words "in the case of

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Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. 44—cont.	The Land Drainage Act 1930—cont.	the council of a county " and " and " and paragraph (9); in subsection (2) the words " or county borough ", and subsections (3) and (4). In section 54, the words " and county boroughs " and " or county borough ". In Schedule 2 in paragraph 1, the words " or county borough "
20 & 21 Geo. 5. c. 51.	The Reservoirs (Safety Provisions) Act 1930.	In section 4(2) the words " county, municipal ". In section 9, the words " or district ", in paragraph (c) the words " or urban district " and paragraph (d).
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act 1931.	In section 11, the words " county borough " and the word " metropolitan ". In Schedule 1, paragraph 8.
21 & 22 Geo. 5. c. 17.	The Local Authorities (Publicity) Act 1931.	The whole Act.
21 & 22 Geo. 5. c. 41.	The Agricultural Land (Utilisation) Act 1931.	In section 11(3), the words " or any county council acting in default of such a council as aforesaid ". In section 14(1), the words " or to any county council acting in default of such a council as aforesaid "
23 & 24 Geo. 5. c. 25.	The Pharmacy and Poisons Act 1933.	In section 27, the words " and, in the case of the council of a county borough, out of the general rate fund ". In section 29, in the definition of " Local authority ", the words from " and as respects " to the end of the definition.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	The whole Act.
26 Geo. 5 and 1 Edw. 8. c. 48.	The Health Resorts and Watering Places Act 1936.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 3, the proviso to subsection (2), and subsection (3). In section 4, the proviso to subsection (1), and subsection (2). In section 7, the proviso to subsection (1) and subsection (2). Section 8. Sections 11 to 13. Section 70(1)(a) and (b). Section 71(9). In section 77(2)(b) the words from " or, in case of dispute " to the end.

R 2

Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 49—cont.	The Public Health Act 1936—cont.	In section 108(1), the words " and if required by the Minister shall ". In section 126(4), the words from " or any five " to " rural district " and the words " or contributory place ", in the second place where they occur. In section 187(2) the words " or county borough ". In section 196(1), the words from " and for " to the end. Section 230(1). Sections 272 and 273. Section 306. Section 308. Sections 320 and 321. Schedule 1.
1 Edw. 8 & 1 Geo. 6. c. 5.	The Trunk Roads Act 1936.	In section 3, subsection (1) and in subsection (2) the words from " and of the said functions " onwards. In section 12(1) the definitions beginning " Borough ", " County " and " Local authority ". Part I of Schedule 3.
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act 1937.	In section 4, subsection (2) and, in subsection (3) the words " A county council or " and " a county council or their county or ". In section 1, in subsection (2), the words " and county boroughs " and, in the proviso to that subsection, the word " county " in the second place where it occurs and the words " borough or urban " in each place where they occur; and, in subsection (3) the words from " boroughs (including " to " urban " and the words from " and the council " to the end of the subsection.
1 & 2 Geo. 6. c. 6.	The Air-Raid Precautions Act 1937.	In section 4, in subsection (1) the words from " nor shall functions " to the end of the subsection. Section 5. Section 6(3).
1 & 2 Geo. 6. c. 69.	The Young Persons (Employment) Act 1938.	Section 5.

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Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 31.	The Civil Defence Act 1939.	In section 11, in subsection (1) the words "or county borough", in the proviso to that subsection, in paragraph (a) the words "borough or urban" and "borough or" and in paragraph (b) the word "county", in the second place where it occurs; and subsection (2). In section 25, the words "county borough or county". In section 55, the words "county borough or county". In section 64(1), the words "or county borough" and the word "county", in the next place where it occurs.
2 & 3 Geo. 6. c. 44.	The House to House Collections Act 1939.	In section 2, in subsection (1), the word "police", in the second place where it occurs. In section 4(2)(e) the word "police". Section 7(1). Section 9(1).
7 & 8 Geo. 6. c. 26.	The Rural Water Supplies and Sewerage Act 1944.	In section 1(6) the words "urban or rural". In section 2 the words "urban or rural" in both places where they occur.
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	In section 6, the words from the beginning to "1936". In section 6(2) the words "and III". In section 68 the words from "or in accordance" to "1946". In section 88, the words "but a local education authority" onwards. Section 91. In Schedule 1, in Part II, paragraph 2 and, in the proviso to paragraph 7, the words from "or" to the end of the paragraph; and Part III.
8 & 9 Geo. 6. c. 18.	The Local Authorities Locus Act 1945.	Section 8.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In section 3(4) the words "and county boroughs". In Schedule 3, in paragraph 1, the definition of "county district" and in the definition of "local authority", the words "or rural".

R 3

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 20.	The Building Materials and Housing Act 1945.	In section 8(3), the words "county borough" and the word "metropolitan".
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In section 8(1), in the definition of "local authority", the words "county borough, metropolitan". In Schedule 4, the amendments of the Local Government Act 1933.
9 & 10 Geo. 6. c. 50.	The Education Act 1946.	Section 10. Section 12. Section 13(2). Section 14(2). In section 16(1), the definitions of "divisional executive" and "scheme of divisional administration". In Schedule 2, in Parts I and II, the entries relating to Part III of Schedule 1 to the Education Act 1944.
9 & 10 Geo. 6. c. 91.	The National Health Service Act 1946.	In section 19(3), the words from "and the provisions of Part II" onwards. Section 22(4). Section 55(1). Part II of Schedule 4.
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act 1947.	In section 1, in subsection (1)(b) the words "county borough or county", subsection (2) and, in subsection (3), the words from "including" to "delegated powers". Section 2. Section 3(3). Section 4(3).
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	In the long title, the words "and county boroughs". In section 4, the words "and county borough". In section 5(2)(d), the words "(including a clerk to that authority and a treasurer of the combined fire services fund)". Section 6(1) proviso. In section 8, in subsection (3), the words "or county boroughs" and in subsection (4) the words "or county borough". In section 9, in subsection (2)(a) the words "or county boroughs" and in subsection

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Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41—cont.	The Fire Services Act 1947—cont.	(4) the words “and the council of any county borough”. In section 10, the words “county borough” in the second place where they occur. In Schedule 5, in paragraph 17(1) the words “and county boroughs”.
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	Sections 111 to 117 and 129 to 132. In section 133(3), the words “two and”.
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Sections 134 to 136. Section 21(3). In section 29, subsections (2) and (3). In section 33(1), the words “in Scotland”.
11 & 12 Geo. 6. c. 43.	The Children Act 1948.	Section 49.
11 & 12 Geo. 6. c. 46.	The Employment and Training Act 1948.	Section 10(2)(b) and (c).
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	Section 57. Schedule 6. In Schedule 10, in Part II, paragraphs 1(3) and 7(2)(b). Section 2(2)(b).
12, 13 & 14 Geo. 6. c. 5. 1948.	The Civil Defence Act 1948.	
12, 13 & 14 Geo. 6. c. 47.	The Finance Act 1949.	In section 15, subsection 1(a); in subsection (3) the words “the Hawkers Act, 1888, or” and subsection (5). In section 1(1), the words “county boroughs”.
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act 1949.	In Schedule 2, in paragraph 4(1), in paragraph (a)(i) the words “county borough or” and sub-paragraphs (ii) and (iv) of paragraph (a), and in paragraph 4(2), the definitions of “county borough” and “county district”.
12, 13 & 14 Geo. 6. c. 66.	The House of Commons (Redistribution of Seats) Act 1949.	
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	Section 19(7). In section 43(1), in the definition of “local authority” the words “county borough”.

R 4

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 6(2). In section 11(2) the words from “in England” to “registration officer and”. Section 12(7). Section 15(3). Section 17(1). Section 18(5). Section 22(9). Sections 26 to 29. Section 34. In section 36(1), the words from the beginning to “district councillor and” and from “or in the case” to “district election rules”. Section 37(3). In section 41, subsection (3); and in subsection (5), the words “a county council”. In section 43, in subsection (1), the words from “and there shall be paid” onwards; and subsections (4) and (6). Section 44(2). In section 139(3) the words “or of elective auditor”. Section 163(2) to (4). In section 172(1) all the definitions except those of “electoral area”, “local government Act”, “local government area” and “local government election”; and in the definition of “local government area” the words “urban or rural”; subsection (2) and in subsection (3), in the proviso the words “the local election rules or”. In Schedule 2, in the parliamentary elections rules, in rule 3(4) the words from “or in a constituency” to “London”, in the second place where it occurs, and in rule 4(2) the words from “shall not” to “aforesaid”, and the local elections rules; and in the Appendix the form of declaration to be made by the companion of a blind voter at a local government election. In Schedule 4, paragraph 1. In Schedule 8, in paragraph 5(1), so much of the Table as relates to the Local Government Act 1933 and paragraph 5(2) and (3).



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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 74.	The Coast Protection Act 1949.	In section 1(1), the words "county borough or county" in both places where they occur. In section 2, the words "county borough or county" and the words "local highway". Section 3. In section 8(8), the words "county borough or county". In section 17(1)(c) the word "highway". Section 21(1)(c). In section 22(2), the words "county borough or county". Section 29(3), (4), (5) and (6). In section 30, in subsection (1), the words from "an order under" to the word "Act"; in subsection (2) the words "and to an agreement setting up a joint committee", the word "respectively" and the words "and an agreement" and "or committee, as the case may be"; in subsection (3)(a), the words "or an agreement setting up a joint committee"; in subsection (3)(b), the words "or agreement" and the words "or committee" in both places where they occur; in subsection (3)(c) the words "or agreement" and the words "or committee" in both places where they occur; and subsection (3)(d). Section 42. In section 45(1)(b), the words "county borough, county". In section 49(1), the words "county borough or county" in both places where they occur. In Schedule 1, in paragraph 1(a), the words "county borough"; and in paragraph 1(c), the word "highway".
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	Section 8. Section 10. Section 21(2) and (3). In section 28(3), the word "rural". Section 36.

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 97 —cont.	The National Parks and Access to the Countryside Act 1949—cont.	In section 51(4), the words "county borough council". In section 52(2), the words "county borough council". In section 89, subsection (2A) and, in subsection (7), the words "or county borough". Section 90(2). In section 99, in subsections (2) and (6), the words "or county borough". Section 102. In section 13(1), the words "or borough". In section 16, subsections (3) and (6). In section 18, in subsection (10), the words from "or by" to the end of the subsection. Section 19(10). Section 20(6). In section 21(1)(e) the words "or a borough". In section 25, in subsection (1), the words "or borough", in the first place where they occur, and the words "out of sessions". In section 27, in subsection (1), the words from "and any enactment" to "have effect", and subsection (8). In section 28, in subsection (2), the words "or borough", and in subsection (3) the words "and borough". In section 29, in subsection (2), the words from "and for any borough" to "peace", and subsections (9) and (12). In section 44(1), the definition of "county" and in the definition of "magistrate", the words "or a borough having a separate commission of the peace", the words "or borough" in the next two places where they occur and the words from "(other than" to "of the peace)". In Schedule 2, in paragraph 10(3), the words "residence and", and the proviso. Schedule 3. In Schedule 4, in paragraph 1(1), the words "or borough" in the last place where they
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	

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Chapter	Short Title	Extent of Repeal
13, 13 & 14 (Geo. 6, c. 101) – cont.	The Justices of the Peace Act 1949 – cont.	occur; in paragraph 1(5), the words “or for a borough,” and “in the case of a county,”; in paragraph 1(6), the words “or a county borough” and “or borough”; in paragraph 1(8), in paragraph (a), the words “or for a borough”, and in paragraph (b) the words from “and of the boroughs” to “paragraph”, the words “or borough” and the words from “(the number) onwards; paragraph 3; in paragraph 6, the words “3 or 4” and in paragraph 9(2), the words “borough or”.
14 Geo. 6, c. 28.	The Shops Act 1950.	Section 73(2) and (3).
14 Geo. 6, c. 36.	The Diseases of Animals Act 1950.	In section 59(2), in paragraph (n) the words from “and as respects” to “thousand” and in paragraph (9) the words “the residue of” and “administrative”.
14 Geo. 6, c. 39.	The Public Utilities Street Works Act 1950.	Section 68. Section 64(2). Sections 68 and 69. Schedule 4. In section 39(1), the definition of “appropriate local authority”.
14 & 15 Geo. 6, c. 35.	The Pet Animals Act 1951.	In Schedule 2, in paragraph 2, the words “county borough or”.
14 & 15 Geo. 6, c. 63.	The Rag Flock and Other Filling Materials Act 1951.	In Schedule 7, paragraphs 5 and 7(1). In section 7(3), in the definition of “local authority”, the words “county borough or” and the word “metropolitan”.
15 & 16 Geo. 6 & 1 Eliz. 2, c. 31.	The Cremation Act 1952.	In section 35, in the definition of “authorised officer” the words from “except” onwards and in the definition of “local authority” the words “of an urban or rural”.
15 & 16 Geo. 6 & 1 Eliz. 2, c. 46.	The Hypnotism Act 1952.	Section 3(2). In section 2(4)(b) the words “county borough, borough, or urban or rural”.
15 & 16 Geo. 6 & 1 Eliz. 2, c. 52.	The Prison Act 1952.	In section 19(1) the words “or borough” in each place where they occur.
15 & 16 Geo. 6 & 1 Eliz. 2, c. 54.	The Town Development Act 1952.	In section 1, the word “county” in each place where it occurs in the expression “county district”, and the word “such” where it appears in subsection (1). In section 2, subsections (1)(b) and (4). In section 5, the words “and if authorised in that behalf by the Minister”.
15 & 16 Geo. 6 & 1 Eliz. 2, c. 55.	The Magistrates’ Courts Act 1952.	In section 8(1), in paragraph (b) the words “of a county borough or county district”, In section 10(2) the words “with the approval of the Minister”.
1 & 2 Eliz. 2, c. 25.	The Local Government Superannuation Act 1953.	Section 12. Section 13(2)(c).
1 & 2 Eliz. 2, c. 26.	The Local Government (Miscellaneous Provisions) Act 1953.	In section 1, the words “or borough”, in each place where they occur. In section 2, the words “or borough”, in each place where they occur. Section 3(4). In section 77(1), the words “or borough”, in each place where they occur. In section 92(1), the words “or borough”, in each place where they occur. In section 115, in subsection (1), the words “or borough”, and subsections (2) and (3). Section 117. In section 123(1), the words “not a borough”.
1 & 2 Eliz. 2, c. 36.	The Post Office Act 1953.	In section 126, in subsection (1) the definition of “county” and subsection (4). In Schedule 4, the entries relating to the Explosives Act 1875. Section 25. Sections 1 to 3. Section 14. In section 15, paragraph (a). Section 16. In section 18(3) the words “or county borough”.
		In section 51, in subsection (2), the words “or district”, in both places where they occur, and in subsection (3) the

SCHEDULE 30 – Repeals

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Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2 c. 36—cont.	The Post Office Act 1953—cont.	word “rural”, in each place where it occurs, the word “contributory” in the first place where it occurs and the words from “and any expenses” to the end of the subsection.
1 & 2 Eliz. 2 c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	In section 5(4)(b), the words “metropolitan” and “county borough”.
2 & 3 Eliz. 2 c. 23.	The Hill Farming Act 1954.	In section 2(1), the words “county borough or”.
2 & 3 Eliz. 2 c. 39.	The Agriculture (Miscellaneous Provisions) Act 1954.	Section 9(3).
2 & 3 Eliz. 2 c. 64.	The Transport Charges &c. (Miscellaneous Provisions) Act 1954.	In Schedule 1, in paragraphs 15 and 17(5), the words “county borough, non-county borough” and “or rural district”.
4 & 5 Eliz. 2 c. 16.	The Food and Drugs Act 1955.	In section 51, the words “with the approval of the Minister of Housing and Local Government”. In section 52(1), the words from the beginning to “application of”, the words from “approve” to “and the authority”, the words from “either” to “Minister, or” and the word “less”. Sections 83 and 84. In section 86, subsections (2) and (3) and in subsection (4), paragraphs (a) to (c). In section 88, in subsection (2), the words “or section eight” and the words from “or” at the end of paragraph (a) to the end of the subsection. Section 89(3). Section 123. In section 135 the definitions of “county” and “county district”. In Schedule 6 both columns of the entry beginning “councils”.
4 & 5 Eliz. 2 c. 20.	The Agriculture (Improvement of Roads) Act 1955.	In Part I of Schedule 9 the entries relating to sections 272, 273, 320 and 321 of the Public Health Act 1936. In section 1(1)(g) the words “county borough, non-county borough or urban district”. In section 3(1) the words “county borough or county district”.

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2 c. 34.	The Criminal Justice Administration Act 1956.	Section 17.
4 & 5 Eliz. 2 c. 36.	The Local Authorities (Expenses) Act 1956.	The whole Act.
4 & 5 Eliz. 2 c. 43.	The Local Government Elections Act 1956.	The whole Act.
4 & 5 Eliz. 2 c. 49.	The Agriculture (Safety, Health and Welfare Provisions) Act 1956.	In section 24, in the definition of “sanitary authority” the words “or rural”.
4 & 5 Eliz. 2 c. 52.	The Clean Air Act 1956.	Section 31(5).
5 & 6 Eliz. 2 c. 16.	The Nurses Agencies Act 1957.	Section 5.
5 & 6 Eliz. 2 c. 19.	The Public Health Officers (Deputies) Act 1957.	The whole Act.
5 & 6 Eliz. 2 c. 20.	The House of Commons Disqualification Act 1957.	In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the following words:— (a) in the sub-entry beginning “Clerk or deputy clerk”, the words “of the council of a county in England and Wales, of the Greater London Council or” and the words “England and Wales or”; and (b) in the sub-entry beginning “Town clerk or deputy town clerk”, the words “of the City of London, of a borough in England and Wales or”.
5 & 6 Eliz. 2 c. 42.	The Parish Councils Act 1957.	Section 1(3). Section 3(2) to (6) and (8). Section 6(3). Section 8(3)(e). Section 9. Section 10. Section 12. Section 15. Schedule 1. Section 86.
5 & 6 Eliz. 2 c. 56.	The Housing Act 1957.	In section 108, in subsection (1), the words “subject to the approval of the Minister” and subsection (2). In section 109, subsections (2) and (3).

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 56—cont.	The Housing Act 1957—cont.	Sections 115 to 118. Section 135(1). In section 141, the words “subject to the approval of the Minister”. Section 145. Sections 147 and 148. Section 156. In section 157, in subsection (4), the words from “and includes also” to the end of the subsection. In section 160, the words “the medical officer of health or”. In section 161(6), the words “the medical officer of health or” and “of that officer or”. Sections 171 to 176. Section 181(2). In Schedule 9, in paragraph 1, the words “or in any parish in a rural district” and “or parish” and in paragraph 11(e), the words “or rural district”.
6 & 7 Eliz. 2. c. 26.	The House of Commons (Redistribution of Seats) Act 1958.	In section 4(3) and (4) the words “or rural” in both places where they occur.
6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	In section 17, in subsections (1) and (2)(a), the words “county borough, metropolitan”.
6 & 7 Eliz. 2. c. 33.	The Disabled Persons (Employment) Act 1958.	In section 3, in subsection (3) the words from the beginning to “made thereunder”. In the Schedule, in paragraph 11(e), the words “fifty-nine and”, and paragraph 3.
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	In section 55(1), paragraphs (a) and (b).
6 & 7 Eliz. 2. c. 49.	The Trading Representations (Disabled Persons) Act 1958.	In section 1(5) (including that section as set out in the Schedule to the Trading Representations (Disabled Persons) Amendment Act 1972) the words “county borough”.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Part II. Part III. Section 55. In section 56(2) the words from “of the council of a borough” to “applies or”. Sections 57 to 59. Section 60(1). Section 65. Schedule 7.

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 55—cont.	The Local Government Act 1958—cont.	In Schedule 8 paragraph 20 and in paragraph 31, sub-paragraph (1) and, in sub-paragraph (4), the words from “and in head (a)” to “Local Elections Rules”.
6 & 7 Eliz. 2. c. 69.	The Opencast Coal Act 1958.	In section 11(1), the words “county borough or”.
7 & 8 Eliz. 2. c. 8.	The Slaughter of Animals Act 1958.	In section 10, in the definition of “local authority” the words “or rural”.
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	In section 120(2), the words from “(whether within” to “1887”.
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959	In section 1, in subsection (2) the word “or” at the end of paragraph (a) and paragraph (b), and subsection (3). In section 2, the words “without prejudice to the provision of section four of this Act”. Section 4. Section 5. In section 8(2), in paragraphs (b) and (c), the words “that it shall not be exercisable by a county council in a borough or urban district, but, save as aforesaid”. In section 10, in subsection (1) the words “or with the council of an urban district” and the words “county borough” in the proviso to that subsection, and in subsection (4) the words “or urban district”. In section 13(6) the words “county borough”. Sections 21 to 25. In section 26, in the proviso to subsection (1), the words “(other than the council of a rural district)”. In section 29, subsections (1), (2), (4) and (5). In section 34(12) the words “a London borough or” and “in the case of the City of London”. In section 41 the words “borough or urban district”. Section 45. In section 48, subsection (2)(c), in subsection (5) and (6) the words “or county borough”, and in subsection (9) the

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—cont.	The Highways Act 1959— cont.	<p>definitions beginning “trunk road bridge” and “trunk road”.</p> <p>Section 65(6).</p> <p>Section 67(7).</p> <p>In section 69, in subsection (1) the words from “in a borough” to “in any case a highway”; in subsection (3) the words “a road in a borough or urban district, being”; and subsection (4).</p> <p>In section 71(2) the words “and in section twenty-nine of this Act”.</p> <p>Sections 74 and 75.</p> <p>Section 76(4).</p> <p>In section 85, subsection (4)(b) and in subsection (5) the words “or county borough”.</p> <p>In section 92(5)(a), the words “county borough”.</p> <p>In section 108(7)(a), the words “of the local planning authority (if not the applicants), and”.</p> <p>Section 108(10)(a).</p> <p>In section 112, the proviso to subsection (2), subsections (3) and (4).</p> <p>In section 116, in subsection (2), the words “as respects any county road in the county”, “as respects any highway in their area” and “road or” and subsections (7) and (8).</p> <p>In section 118, in subsection (1) the words “subject to the following subsection” and subsection (2).</p> <p>In section 119, in subsection (5A), the words from “are not” onwards.</p> <p>In section 120(4), the words “or a county road (other than a claimed county road)”.</p> <p>In section 131, in subsection (7) the words “Subject to subsection (10) of this section” and subsection (10).</p> <p>In section 132, in subsection (1) the words from “in a borough” to “of this Act” and subsections (7) and (9).</p> <p>Section 133.</p> <p>Section 134(4)(b).</p>

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—cont.	The Highways Act 1959— cont.	<p>In section 146, the proviso to subsection (1).</p> <p>In section 154, in subsection (1) the words from “in any borough” to “that rural district”, and in subsection (6) the words from “the power conferred” to the end of the subsection.</p> <p>Section 157(3).</p> <p>In section 160, the words from “and, in the case” to “comprising the district”.</p> <p>In section 163, subsections (2) and (7).</p> <p>Section 165(4).</p> <p>Section 167(3).</p> <p>Section 173(2).</p> <p>In section 174(3), the words “at the offices of the authority”.</p> <p>In section 179(2), the words “at the offices of the authority”.</p> <p>Section 187.</p> <p>Sections 189 to 191.</p> <p>In section 200, the words “or the code of 1875”.</p> <p>In section 201, the words “or the code of 1875”.</p> <p>In section 204(1), the words from “situated” to “of this Act”.</p> <p>In section 205, the words from “or the code of 1875” to the end of the section.</p> <p>In section 206, in subsection (1), the words from “or in the case” to “code of 1875”, subsection (8), and in subsection (9) the definition of “appropriate council” and the word “borough” in the last two places where it occurs.</p> <p>In section 207(1), the words “or section one hundred and ninety”.</p> <p>In section 209(1), the words “or section one hundred and ninety”.</p> <p>In section 210, the words from “or the code of 1875” to “relating to such works”, in each place where they occur.</p> <p>In section 211(1), in paragraph (a) the words “or section one</p>

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2, c. 25—cont.	The Highways Act 1959—cont.	<p>hundred and ninety " and the final word "or", paragraph (b) and the words "as to the due execution of the works and " and "or the works were executed".</p> <p>In section 213, in the proviso to subsection (1), the words from " and shall not " to the end of the proviso, and subsection (4).</p> <p>In section 214(7), paragraph (a) and in paragraph (b) the words " or county borough".</p> <p>In section 223(2), paragraph (a) and in paragraph (b) the words " or county borough".</p> <p>In section 226(3) the words from " or, in a case " onwards.</p> <p>In section 227(1) the words from " In this subsection " onwards.</p> <p>Section 232.</p> <p>In section 233(1) the words " borough or urban district".</p> <p>Section 234.</p> <p>Section 239(3).</p> <p>Section 242.</p> <p>Section 245.</p> <p>Section 246(4).</p> <p>Section 247.</p> <p>In section 249(3) the words from " and where " onwards.</p> <p>In section 260 the word " county ", where it first occurs.</p> <p>In section 285, in subsection (1)(a) the words " twenty-four " and " subsection (4) of section forty-five " and in subsection (2)(b) the words from " paragraph 6 " to " that Schedule or ".</p> <p>In section 286, in the proviso to subsection (2), the words from " sections twenty-one " to " forty-five " and the words " and two hundred and ninety ", and in subsection (4) the words " or a county road ", in each place where they occur, and the words " as the case may be ".</p> <p>Section 290.</p> <p>Section 292.</p> <p>In section 295(1), in subsection (1) the definitions of " claimed</p>

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2, c. 25—cont.	The Highways Act 1959—cont.	<p>county road ", " county bridge " and " county road ", and in subsection (4) the words from the beginning to " respectively, and ".</p> <p>In section 297 the words " such roads or ".</p> <p>In section 312, subsections (5) and (7).</p> <p>In Schedule 1, in paragraph (f) of the Table in Part I, the words " (other than the council of a county district) " and the words from " and, in the case " to the end of the paragraph.</p> <p>Schedule 6.</p> <p>Schedule 8.</p> <p>In Schedule 12, paragraph 1(a). Part II of Schedule 14.</p> <p>In Schedule 17, paragraph 1 and in paragraph 6 the words " the code of 1875 ".</p> <p>In Schedule 18, in paragraph 1, the word " 145 " and in paragraph 2 the word " 190 ".</p> <p>Schedule 19.</p> <p>Schedule 21.</p> <p>In Schedule 24, in paragraph 24, the words " the code of 1875 or " and " or the corresponding provisions of any local Act ".</p> <p>Section 28.</p>
7 & 8 Eliz. 2, c. 53.	The Town and Country Planning Act 1959.	
7 & 8 Eliz. 2, c. 54.	The Weeds Act 1959.	<p>In section 5 the words " or borough " in both the places where they occur.</p>
7 & 8 Eliz. 2, c. 72.	The Mental Health Act 1959.	<p>In section 9, in subsection (1), the words " as local health authority " and in subsection (3) the words " as a children authority ".</p>
8 & 9 Eliz. 2, c. 16.	The Road Traffic Act 1960.	<p>In section 135, in subsections (2) and (7) the words " county borough ", in each place where they occur.</p> <p>In section 143(2), the words " county borough ".</p> <p>In section 161(1), the words " county borough ".</p>
8 & 9 Eliz. 2, c. 34.	The Radioactive Substances Act 1960.	<p>In section 19(1), in the definition of " local authority ", the words " county borough, metropolitan "</p>

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Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	In section 6(8), the words "county borough" and "or borough included in a rural district" and "metropolitan". In section 10, in subsection (5), the words from "and the council" to "any part of the county" and subsections (6) and (7). In section 11, in subsection (4), the words from "or the council" to the end of the subsection. In section 12(1), in the definition of "local council", the words "of a borough included in a rural district". In section 18, in subsection (12), the words from "but a parish" to the end of the subsection. In section 32, in subsection (3), the words from "This subsection" to the end of the subsection. In section 37, in subsection (1), the words from "and shall apply" to the end of the subsection; in subsection (2) the words from "This subsection" to the end of the subsection; and subsection (5) from the word "and", at the end of paragraph (e), onwards. Section 44(4). In section 29(1), in the definition of "local authority", the words "borough or urban or rural". In Schedule 2, the word "rural" wherever it appears. In the Schedule, paragraph 1(e).
8 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act 1960.	In section 2(5)(a), the words "county borough" and "and the council of a borough included in a rural district". Section 1(2).
8 & 9 Eliz. 2. c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In section 47(1), the words "county borough". In section 17(1), in the definition of "district council", the words "borough or county".
8 & 9 Eliz. 2. c. 68.	The Noise Abatement Act 1960.	In section 2(5)(a), the words "county borough" and "and the council of a borough included in a rural district". Section 1(2).
9 & 10 Eliz. 2. c. 29.	The Rural Water Supplies and Sewerage Act 1961.	In section 47(1), the words "county borough". In section 17(1), in the definition of "district council", the words "borough or county".
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	In section 47(1), the words "county borough". In section 17(1), in the definition of "district council", the words "borough or county".

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 40.	The Consumer Protection Act 1961.	In section 6(3)(b) the words from "but as if" onwards.
9 & 10 Eliz. 2. c. 43.	The Public Authorities (Allowances) Act 1961.	Section 1.
9 & 10 Eliz. 2. c. 48.	The Land Drainage Act 1961.	In section 3(9) the words "county borough". In section 11(2) the words "county borough or". In section 17 the words "county borough". In section 21(3)(b) the words "or county borough". In section 30, in subsection (3), the words "or county boroughs" and in subsection (9) the words "or county borough". In section 34, in subsection (1), the words "county borough or" and in subsection (2), the words "or rural". In section 38(3) the words "or county borough".
9 & 10 Eliz. 2. c. 62.	The Trustee Investments Act 1961.	In section 11(4)(a) the word (including) and the words from "borough which" to "urban or rural". In Part IV of Schedule 1, in paragraph 4, in the definition of "local authority" the words "(including a borough which has been included in a rural district)". Section 14(2)(b)(ii).
9 & 10 Eliz. 2. c. 63.	The Highways (Miscellaneous Provisions) Act 1961.	Section 14(2)(b)(ii).
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 2(3), the words "or rural". Section 16. In section 40(2), the words "on the advice of their medical officer of health". The proviso to section 51(1). Section 54(8). In section 16(2) the words from "who are not" to "another fire authority". Section 34. Section 3.
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	In section 16(2) the words from "who are not" to "another fire authority". Section 34. Section 3.
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 3.
10 & 11 Eliz. 2. c. 56.	The Local Government (Records) Act 1962.	In section 2(6), the words "county borough". Section 3. In section 8(1), the words "county borough" and "or the council of a borough included in a rural district".

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Chapter	Short Title	Extent of Repeal
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In Schedule 1, in paragraph 2, in the definition of "appropriate local authority" the words "county borough". In Schedule 2, paragraphs 1(3) and (4), in paragraph 1(6) the words from the beginning to "may be", and paragraphs 2 and 3. In Schedule 3, in paragraph 6(2), in the definition of "local authority", the words "county borough". In Schedule 7, in paragraph 10(2)(a), the words "county borough".
1963 c. 29.	The Local Authorities (Land) Act 1963.	Section 1.
1963 c. 31.	The Weights and Measures Act 1963.	Section 13. Section 34. In section 35, subsections (1) and (2). In section 37(1), the words "section 91 of the Local Government Act 1933 or". In section 40, in subsection (1), the words "borough or", in the last two places where they occur, and subsections (2) and (3). Section 47.
1963 c. 33.	The London Government Act 1963.	In section 1, subsections (4) and (7). In section 2, subsections (2) and (3), and in subsection (4), the words from "and the first" to the end of the subsection. Section 3. Section 6. Section 19(5). Section 44(1) to (3) and (7). In section 45, subsections (1), (2) and (5), in subsection (6) the words "and in paragraph 6 of Part II of Schedule 4 to that Act" and subsection (7). In section 46, subsections (1), (2) and (5) to (8). In section 47, subsections (1) and (3). Section 54(1)(a). Section 57(1). Section 58(2) and (3). In section 61, subsections (1) and (2). In section 62, in subsection (1), paragraphs (b) and (f), and subsection (4).

Chapter	Short Title	Extent of Repeal
1963 c. 33— cont.	The London Government Act 1963—cont.	Section 69. Section 70. In section 71, in subsection (1), the words from "and without" to the end of the subsection. Section 74. Section 78(2)(c). In section 85(1), the words "6 or". Section 86. Section 92(3). Part III of Schedule 1. In Schedule 2, paragraphs 1 to 9, 11 to 15 and 19 to 24 and paragraph 31(d) and (ii). In Schedule 3, Part I, except paragraph 16; in Part II, in paragraph 22, the words "the Local Government Elections Act 1956 and", in paragraph 23, the words "and 1956" and in paragraph 24, the words from "and so far" to the end; Part III, except paragraphs 27, 31, 32, 33 and 35. Schedule 4. In Schedule 6, paragraphs 3, 9, 10, 13(1), 14 to 17, 21 to 25, 29, 31 to 34, 38 to 41, 43, 46 to 52, 54, 57, 61, 63(2), 64, 65, 68(c) and 69 to 71. In Schedule 11, paragraphs 3 to 10, 15 and 39. In Schedule 13, paragraph 5. In Schedule 14, in paragraph 2, the words "and 34". Schedule 16. In Schedule 17, paragraphs 5, 9(b), 13, 17, 18(a) and (b), 23 and 28(a).
1963 c. 37.	The Children and Young Persons Act 1963.	In Schedule 2, in paragraph 8, the word "or", in the last place where it occurs, and sub-paragraph (b).
1963 c. 41.	The Offices, Shops and Railway Premises Act 1963.	In section 61(2)(c), the words "other than the council of a county borough". In section 90(1), in the definition of "local authority", the words "a county borough".
1963 c. 43.	The Animal Boarding Establishments Act 1963.	In section 5(2), in the definition of "local authority", the words "county borough or" and "metropolitan".



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Chapter	Short Title	Extent of repeal
1963 c. 46.	The Local Government (Financial Provisions) Act 1963.	Sections 1 to 4, Sections 6 to 11. In section 14, the words " 4 and "
1964 c. 21.	The Television Act 1964.	Schedule 1. In section 9A(6) the words " county borough "
1964 c. 26.	The Licensing Act 1964.	In section 2(2), paragraph (b) and in paragraph (c) the words from " or if " onwards. Section 16(1)(g). In section 58(1)(g), the words " county borough ". In section 193, in subsection (1), the words " county borough or borough having a separate commission of the peace "; and in subsection (2) the words " county borough or borough having a separate commission of the peace " and " or for that borough ". In Schedule 3, paragraphs 1(3) and 11. In Schedule 8, paragraph 4; in paragraph 6(1), the words " in a county " and " in a county borough divided into wards the mayor "; the words " or county borough ", in the first two places where they occur; and the words from " except that " to the end of the sub-paragraph; in paragraph 6(2), the words " or county borough " and the words " or mayor " in both places where they occur; in paragraph 6(3), the words " or mayor " and " or county borough "; and in paragraph 7, the words " or county borough ", " or mayor " and " or borough ", in each place where they occur. In the Appendix to Schedule 8, in Form D, the words " [ electoral division of the county of ] [ county borough of ] " in each place where they occur.
1964 c. 42.	The Administration of Justice Act 1964.	Section 18(3). In section 19 in subsection (3) the words " and (b) " and the words from " shall have

Chapter	Short Title	Extent of Repeal
1964 c. 42— cont.	The Administration of Justice Act 1964—cont.	effect " to " 1887, but " and, in subsection (4), paragraph (b). In Schedule 3, in paragraph 20, sub-paragraphs (3) and (4) and paragraph 31(1).
1964 c. 48.	The Police Act 1964.	In section 1, in subsection (1), the words " and county borough " and subsections (2) and (3). In section 2, in subsection (1), the words " or county borough ", " or borough ", " in the case of a county " and " and, in the case of a borough, as the watch committee "; subsection (3); in subsection (4), the words " or watch committee ", in both places where they occur; in subsection (5), the words " or watch committee " and " or county borough ". In section 8, the words " or county borough " wherever occurring; in subsection (4) the words " or borough " and subsection (5). In sections 9 and 10, the words " or county borough " wherever occurring. In section 11, the words " county borough ", in both places where they occur, and the word " or " in the last place where it occurs. Section 19(5). In section 21, in subsection (3), in paragraph (b), the words from " including a clerk " onwards, and paragraph (f); and subsection (4). In section 22(2)(a), the words " or county boroughs ". In section 23(2), in paragraph (a) the words " or county borough ", in paragraph (b), the words " or county borough ", in both places where they occur and, in paragraph (c), the words " or county borough ", wherever occurring, and sub-paragraph (ii). Section 25(1) to (4). In section 27 the definition of " consolidation agreement ",

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Chapter	Short Title	Extent of Repeal
1964 c. 48— <i>cont.</i>	The Police Act 1964— <i>cont.</i>	In the definition of “constituent authority” the words “in the case of a county” and the words from “and, in the case” to “the borough”, and in the definition of “local fund” the words from “and” to the end of the definition. In section 21(1), the words “county borough police force”. In Schedule 1, the words “or county borough” wherever occurring and in paragraph 7(b), in paragraph (i) the words “or county boroughs” and paragraph (ii). In Schedule 2, in paragraph 2, the words “or county borough”. In Schedule 5, in paragraph 2(2), the entry in the Table beginning with the words “River Tyne”. In Schedule 8, the entry relating to county boroughs and the words “or a county borough”. In Schedule 9, in the amendments of section 5 of the Riot (Damages) Act 1886, the entry relating to section 2(3) of that Act and, in the amendment of section 195 of the 1933 Act, the words “or county borough” and the amendment of section 18 of the Local Government (Miscellaneous Provisions) Act 1953. In Schedule 11, paragraphs 7 to 13.
1964 c. 56.	The Housing Act 1964.	In section 12(1), in the definition of “local authority” the words “county borough”. In section 44(1), in the definition of “local authority” the words “county borough”. In section 96(2), in the definition of “local authority” the words “county borough”. Section 106(4).
1964 c. 69.	The Scrap Metal Dealers Act 1964.	In section 9(2), in the definition of “local authority” the words “county borough or county”.
1964 c. 70.	The Riding Establishments Act 1964.	In section 6(4), the words from “as respects any non-county borough” to “of the county”.

Chapter	Short Title	Extent of Repeal
1964 c. 75.	The Public Libraries and Museums Act 1964.	Section 4(1). Section 6(1) to (4). In section 7(1) the words from “and for that purpose” to “requisite”. In section 10(2)(b), the words “with a population less than 40,000” wherever occurring. In section 12, the proviso to subsection (1) and in subsection (2) the words “with the consent of the Secretary of State”. In section 14, the words from “being a library” to “section 12 above”. Section 15(4). Section 18. In section 21, in subsection (1), the words from “and expenses” onwards, and subsections (2) and (3)(b). In section 25, the definitions of “local authority” and “population”. Section 26(3), (4) and (6). In Schedule 2, in paragraph 2, in sub-paragraph (1) the words from “but except” onwards and sub-paragraphs (2) and (3), and paragraph 6. The whole Act.
1964 c. 77.	The Local Government (Pecuniary Interests) Act 1964.	The whole Act.
1965 c. 16.	The Airports Authority Act 1965.	In section 23(1), in the definition of “local authority” the words “county, county borough”.
1965 c. 36.	The Gas Act 1965.	Section 27(4).
1965 c. 42.	The Public Health (Notification of Births) Act 1965.	Section 1(1).
1965 c. 59.	The New Towns Act 1965.	In section 1(4), the words “county borough or”. In section 9(1), the words “county borough or”. In section 54(1), the definition of “local planning authority”. Section 2(2). In the Schedule, paragraphs 8 and 9.
1965 c. 63.	The Public Works Loans Act 1965.	In section 2(1)(a) the words “or county borough” in both places where they occur.
1965 c. 64.	The Commons Registration Act 1965.	In section 22(1), in the definition of “local authority”,

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Chapter	Short Title	Extent of Repeal
1965 c. 64— <i>cont.</i>	The Commons Registration Act 1965— <i>cont.</i>	the words “county borough” and “or the council of a borough included in a rural district”.
1965 c. 75, 1965 c. xx.	The Rent Act 1965. The Greater London Council (General Powers) Act 1965.	Section 35(8). Section 7.
1965 c. xxxix.	The City of London (Various Powers) Act 1965.	In section 33, in subsection (1), the words “6 and” and “(2) and” and subsection (2).
1966 c. 9.	The Rating Act 1966.	In section 11(1), in the definition of “rating authority” the words “county borough”,
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	In section 1(1), the words “or borough council” and “or borough” in the next place where those words occur. In section 2(1), the words “or of such borough council”, “councils, being” and “or borough councils”. In section 3, the words “or borough council” and “or borough, as the case may be”. In section 19, the words “or borough”. In section 20(1), the definition of “borough”.
1966 c. 42.	The Local Government Act 1966.	Section 10(4).
1967 c. 5.	The London Government Act 1967.	Section 28(6).
1967 c. 9.	The General Rate Act 1967.	The whole Act. In section 2(2), the words “of a borough included in the rural district or” and “borough or”. In section 38(4), the words “boroughs with a separate commission of the peace or boroughs having a separate court of quarter sessions”. In section 44(2)(b), the words “county borough” and “or borough included in a rural district”. In section 85(2), the words “county borough”. In section 91(1)(b), the words “or county borough”. In section 91(4), the words from the beginning to “county borough councils”. In section 112, the words “or urban district”, “or district” and “rural”.

Chapter	Short Title	Extent of Repeal
1967 c. 9— <i>cont.</i>	The General Rate Act 1967— <i>cont.</i>	Section 116(8). In section 116(9), the words from “and in paragraph 5(a)” to “urban parish”. In Schedule 1, in paragraph 15, the words “county borough”. In Schedule 4, in paragraph 1(6), the words “to each county borough” and the word “borough”, in the second and third places where it occurs.
1967 c. 19.	The Private Places of Entertainment (Licensing) Act 1967.	Section 6(2). In Part I of the Schedule, the words “borough or county”, wherever occurring.
1967 c. 22.	The Agriculture Act 1967.	In section 73(2), in the definition of “local authority”, the words “borough, including a county borough and a” and the words “urban or rural”.
1967 c. 24.	The Slaughter of Poultry Act 1967.	In section 8, in the definition of “local authority” the words “a county borough”.
1967 c. 29.	The Housing Subsidies Act 1967.	In section 27(1)(a)(i) the words “or rural”.
1967 c. 69.	The Civic Amenities Act 1967.	In section 18, in subsection (4), the words from “and without prejudice” to the end of the subsection. In section 23(3), paragraphs (b) and (c). In section 27(1), in the definition of “local authority” the words “county borough”.
1967 c. 76.	The Road Traffic Regulation Act 1967.	In section 1(2)(a), the words from “the council of a county borough” to “any other area”. Section 5(4). In section 15(8)(a), the words from “a county borough” to “as regards”, in the second place where those words occur, and the word “other”. In section 21, subsection (2) and in subsection (6), paragraph (c) and the words from “in relation to the council of a county in England” to “the county and”. In section 24, in subsection (2) (a), the words “or county borough” and in subsection (5), the words “or county”.

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Chapter	Short Title	Extent of Repeal
1967 c. 76— <i>cont.</i>	The Road Traffic Regulation Act 1967— <i>cont.</i>	borough "and " or borough". In section 26(1), the words "borough or urban district". In section 28(6)(a) the words "subject to subsection (7) below". Section 49. Section 66(1). In section 69, in subsection (2), the words from "but, where" to the end of the subsection. In section 81(8), the words "or borough". In section 82(4) the words "or county borough, county district" and "borough included in a rural district". In section 104(1), in the definition of "highway authority" the words from "the council of a county borough" to "urban district".
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(6)(a), the words "county borough".
1968 c. 23.	The Rent Act 1968.	In section 42(6) the words "or county borough". In section 39(1) the words "county boroughs". In section 37(5), the words "county borough". Section 68. In section 70, in subsection (1), the words from "and which" to the end of the subsection. In section 82(1)(a) the words "county borough". In section 89(3) the words "county borough". In section 107(4) the words "county boroughs". In Schedule 9, in paragraphs 15(2) and 20(2) the words "county borough". In section 22(2)(a), the words "county boroughs".
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	In section 22(2)(a), the words "county boroughs".
1968 c. 41.	The Countryside Act 1968.	In section 6, in subsection (2), the words "county borough"; in subsection (3), the words from "except" onwards; and subsections (4) to (7). Section 39. In section 49(3), the words from "and references" onwards. In Schedule 3, in Part I, the amendments of sections 27,

Chapter	Short Title	Extent of Repeal
1968 c. 41— <i>cont.</i>	The Countryside Act 1968— <i>cont.</i>	28, 32, 110, 111 and 112(5) of the Highways Act 1959, and in Part II, in paragraph 2(2) the words "or county borough".
1968 c. 46.	The Health Services and Public Health Act 1968.	In section 12, subsection (6) and in subsection (7), paragraphs (b) and (c). Section 51.
1968 c. 52.	The Caravan Sites Act 1968.	In section 6(1) the words "county borough". Section 7(4).
1968 c. 61.	The Civil Aviation Act 1968.	In section 12(1) the words "a county borough". Section 7. In section 21(3), the words "county borough". In section 28(3), in the definition of "local authority", the words "county borough".
1968 c. 65.	The Gaming Act 1968.	In section 44(3), the words "county borough". In Schedule 2, in paragraph 2(2), in paragraph (a) of the definition of "the appropriate local authority" the words "county borough". In Schedule 9, in paragraph 1(b), the words "county borough".
1968 c. 67.	The Medicines Act 1968.	In section 108(8), the words "or county borough".
1968 c. 69.	The Justices of the Peace Act 1968.	In section 1(6) the words from "(including" to "rural district)" and "(within the meaning of the Local Government Act 1933)".
1968 c. 73.	The Transport Act 1968.	In section 9(1)(a), in sub-paragraph (i), the words "county boroughs" and "and" and sub-paragraph (ii). In section 34(1), the words "county borough". In section 33(1)(b)(iii), the words "county borough". In section 56(6)(a), the words "county borough". In section 62(6)(a), the words "county borough". In section 113(3)(a), the words "county borough". Section 116(5). In section 123(2), the words "county borough".

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Chapter	Short Title	Extent of Repeal
1968 c. 73— <i>cont.</i>	The Transport Act 1968 <i>—cont.</i>	In section 124(4), the words “county borough”. In section 138(9)(b), the words “county borough”. In Part I of Schedule 5, in its application in England and Wales, in paragraph 1, subparagraph (b) and the words with the approval of the Minister”. In Schedule 14, in Part IV, paragraph 4. In section 11, in subsection (3) the words “subject to subsection (4)” and in paragraph (c) the words “county borough”, and subsection (4). Section 6(1). In section 8(4)(a) the words “or rural borough”. In section 11(3) the words “which adjoins the area” and “in an urban or rural”. In section 12(1), the words from “and of which” to “Wales”. In section 13(4) the words “in section 72(1)(c) of the Local Government Act 1933 and” and, in section 13(5), the words “rule 20 of the local elections rules”. In section 14 the words “and the local elections rules”. Sections 15 to 17. Section 18, except subsection (2). In section 19(2), the words from the beginning to “officer, and” and subsections (3) and (4). Section 24(2). Section 26(2). In Part I of Schedule 1, the amendments of the local elections rules. In Part II of Schedule 1, in paragraph 1(1), the words from “the English” to “1949 and”; in paragraph 4, the words “rule 16 of the English and Welsh rules”; in paragraph 6(1)(a), the words “as defined in rule 6(6) of the English and Welsh rules” and paragraph (c); paragraph 12(2); para-

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Chapter	Short Title	Extent of Repeal
1969 c. 15— <i>cont.</i>	The Representation of the People Act 1969— <i>cont.</i>	graph 13(1); in paragraph 13(2), the words from “and accordingly” to the end; and in paragraph 13(4) the words “and at the end of rule 46(1) of the English and Welsh rules”. In Schedule 2, paragraph 22; in paragraph 23, the words “and in rule 6(6) of the local elections rules in Schedule 2”; paragraphs 24 and 24(2); and in paragraph 30 the words “and rule 43(5) of the local elections rules in Schedule 2”. In Schedule 2, paragraphs 5, 7, 8, 9, 10, 12, 20 and 23. In section 33(1), in the definition of “local authority” the words “the council of a county borough”. In section 27, in the definition of “housing authority”, the words “county borough”. In section 60(5) the words from “who are not.” to “another fire authority”. Section 68. In Schedule 3, paragraph 2(1). In section 3(2), the words “county borough”.
1969 c. 19.	The Decimal Currency Act 1969.	In Schedule 2, paragraphs 5, 7, 8, 9, 10, 12, 20 and 23.
1969 c. 27.	The Vehicle and Driving Licences Act 1969.	In section 33(1), in the definition of “local authority” the words “the council of a county borough”.
1969 c. 33.	The Housing Act 1969.	In section 27, in the definition of “housing authority”, the words “county borough”. In section 60(5) the words from “who are not.” to “another fire authority”.
1969 c. 54.	The Children and Young Persons Act 1969.	Section 68.
1969 c. 57.	The Employers’ Liability (Compulsory Insurance) Act 1969.	In Schedule 3, paragraph 2(1). In section 3(2), the words “county borough”.
1970 c. 29.	The Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.	Section 5(1) and in section 5(2), the words from “burial authority” to “ground, and”.
1970 c. 39.	The Local Authorities (Goods and Services) Act 1970.	In section 1(4), in the definition of “local authority”, the words “county borough” and in the definition of “public body”, the words “council of a borough included in a rural district”. Section 38(c) and (d). In section 48(1), the words “or county borough”. Section 57. In section 60(1)(a), the words “a county borough council”. In section 62(1)(a), the words “or county borough”. In section 67(1), the words “county borough”.
1970 c. 40.	The Agriculture Act 1970.	Section 38(c) and (d). In section 48(1), the words “or county borough”. Section 57. In section 60(1)(a), the words “a county borough council”. In section 62(1)(a), the words “or county borough”. In section 67(1), the words “county borough”.

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1970 c. 42.	The Local Authority Social Services Act 1970.	Section 6(7). In section 7, subsections (2) and (3). Section 8. Section 10. In Schedule 2, paragraphs 2 to 4, 7 and 9.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	In section 2, the words from "notwithstanding" to "section 29, but" and subsection (2). In section 21(8) the words "or county borough".
1970 c. ixix.	The City of London (Various Powers) Act 1970.	Section 7.
1971 c. 7.	The Local Authorities (Qualification of Members) Act 1971.	The whole Act.
1971 c. 23.	The Courts Act 1971.	In section 54, subsection (2), in subsection (3) the words "or as judge of a borough civil court" and subsection (4). In Schedule 7, paragraph 6. In Schedule 8, paragraph 15(2) and (3) and paragraph 23.
1971 c. 41.	The Highways Act 1971.	In section 19(3), the words "(4), (5) and " and "in each place where they occur". In section 26(7), the words "county borough". In section 27(7), the words "the council of a county borough". In section 27, in subsection (3)(a), the word "rural" and subsection (4). Section 59. Section 69. In section 76(1), the words "the code of 1875 or" and "or the corresponding provisions of any local Act". In Schedule 1, paragraphs 1 and 2.
1971 c. 62.	The Tribunals and Inquiries Act 1971.	Section 6.
1971 c. 75.	The Civil Aviation Act 1971.	In section 16(4), the words "county borough". In section 29(11), in the definition of "local authority", the words "county borough".
1971 c. 78.	The Town and Country Planning Act 1971.	Section 2. Section 3. Section 4.

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Chapter	Short Title	Extent of Repeal
1971 c. 78— cont.	The Town and Country Planning Act 1971— cont.	Section 31(3)(c). In section 54(4), (6), (7) and (10), the words "county borough". In section 112, subsection (3)(a) and in subsection (5) the words "county borough". In section 114(1), the words "county borough". In section 119(1), the words "county borough". Section 121(3). In section 158, in subsections (4) and (5), the words "county borough". In section 180(1), the words "county borough". In section 188(1), the words "county borough". In section 189(1), the words "county borough". In section 213(5)(a), the words "county boroughs". In section 215(8), the words "county borough" and the words "or of a borough included in a rural district". In section 216(4) the words "or county borough". In section 236, the words "county borough". In section 290(1), in the definition of "authority possessing compulsory purchase powers" the words "or the council of a borough included in a rural district" and in the definition of "local authority" the words "county borough or". Schedule 2. In Schedule 3, paragraphs 3(5), 5 and 6. In Schedule 20, in paragraph 1(3), the words "county borough council, a county". In Schedule 24, paragraph 9.
1971 c. ixvii.	The Manchester Corporation (General Powers) Act 1971.	In section 65, in subsection (3), the words "and (3)", where they first occur, the words from "and the directions" to "such charges" and the words from "and the said subsections" to the end of the subsection and subsection (4).
1972 c. 5.	The Local Employment Act 1972.	In section 8(3), the words "county borough". In section 30(1), the words "county borough".

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1972 c. 20.	The Road Traffic Act 1972.	In section 35(5), the words "and in this subsection "county borough" includes a London borough"; In section 55(7), the words "a county borough"; In section 123, the words "county borough"; In section 127(2), in the definition of "local authority" the words "county borough or county district"; In section 144(2)(a), the words "county borough"; In section 196(1), in the definition of "highway authority", the words from "the council" in the second place where they occur, to "urban district"; In Schedule 3, in paragraph 1 the words "county borough or";
1972 c. 42.	The Town and Country Planning (Amendment) Act 1972.	Section 1. In the Schedule substituted for Schedule 4 to the Town and Country Planning Act 1971 by Schedule 1, paragraph 3, in paragraph 8, in sub-paragraph (3) paragraphs (b) and (c) and the words "(joint or other)", and sub-paragraph (4); paragraph 9(2); in paragraph 11(1) the words from "and also" to "planning authorities" and the words from "or, as" to the end; paragraph 13; in paragraph 14(2), the words "or, as the case may be, of paragraph 13(1)(e) to (c) above"; paragraph 15; in paragraph 16, in sub-paragraph (1), the words "(other than a joint local plan)" and the words from "and in relation" to the end, and sub-paragraphs (2) to (4); and paragraph 17(2). Paragraph 21 of Schedule 1.
1972 c. 47.	The Housing Finance Act 1972.	
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	Section 5(4).

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