Local Government Act 1972

1972 CHAPTER 70

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**

C7 Act power to apply or incorporate (with modifications) conferred (15.9.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), **s. 58(1)-(3)**, (7)

C8 Act power to apply or incorporate (with modifications) conferred (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **s. 54(2)-(5)**, 157(1); S.I. 2012/1129, art. 2(b)

Commencement Information

I1 Act partly in force at Royal Assent see s. 273; Act wholly in force 1.4.1974

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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

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.

(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 [M1]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.

(1) For every **[**[F1]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.

[[F2](2A) Where a council mentioned in subsection (1) or (2) above are operating executive arrangements which involve a mayor and cabinet executive [F3]..., the council shall consist of an elected mayor, a chairman and councillors.**]**

[[F4](2B) In such a case, a reference in this Act to a member of a council is a reference to—

(a) the elected mayor of the council,

(b) the chairman of the council, or

(c) a councillor of the council.**]**

(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**

F2 S. 2(2A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 1(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F3 Words in s. 2(2A) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 2, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

F4 S. 2(2B) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74(1), 245(2), **Sch. 3 para. 2(2)**

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Modifications etc. (not altering text)

C9 S. 2(2A) restricted by 2000 c. 22, s. 9H(5) (as inserted (3.12.2011 for specified purposes, 9.3.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/628, art. 2(a))

C10 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)
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**

C11 S. 2(1) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 3(4)**

C12 S. 2(1) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 4(4)**

C13 S. 2(1) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 3(2)**, 4(2)

C14 S. 2(1) excluded (25.3.2010) by The Norwich and Norfolk (Structural Changes) Order 2010 (S.I. 2010/997), arts. 1, **3(3)**
S. 2(1) excluded (25.3.2010) by The Exeter and Devon (Structural Changes) Order 2010 (S.I. 2010/998), arts. 1, **3(3)**

C15 S. 2(1) excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **7(2)**

C16 S. 2(1) excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **3(2)**

C17 S. 2(1) excluded (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **3(2)**

C18 S. 2(1) excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **4(4)**

C19 S. 2(1) excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **3(4)**

C20 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)**

C21 S. 2(2) modified (temp.) (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 4(3)(b)**

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C22 S. 2(2) modified (temp.) (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 3(3)(b)**

C23 S. 2(2) modified (temp.) (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 4(4)(b)**

C24 S. 2(2) modified (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **3(4)**

C25 S. 2(2) modified (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **7(4)**

C26 S. 2(2) applied (with modifications) (temp.) (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **3(4)**

C27 S. 2(2) applied (with modifications) (temp.) (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **4(3)(b)**

C28 S. 2(2) applied (with modifications) (temp.) (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **3(3)(b)**

C29 S. 2(3) restricted by The Wiltshire (Structural Change) Order 2008 (S.I. 2008/490), art. 3(3) (as inserted (31.3.2009) by S.I. 2009/837, **art. 6**)

C30 S. 2(3) restricted by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), art. 3(3) (as inserted (31.3.2009) by S.I. 2009/837, **art. 3**)

C31 S. 2(3) restricted by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), art. 3(3) (as inserted (31.3.2009) by S.I. 2009/837, **art. 5**)

C32 S. 2(3) restricted by The County Durham (Structural Change) Order 2008 (S.I. 2008/493), art. 3(3) (as inserted (31.3.2009) by S.I. 2009/837, **art. 7**)

C33 S. 2(3) restricted by The Northumberland (Structural Change) Order 2008 (S.I. 2008/494), art. 3(3) (as inserted (31.3.2009) by S.I. 2009/837, **art. 4**)

Members of principal councils

3 Chairman.

(1) The chairman of a principal council shall be elected annually by the council from among the councillors.

[[F5](1A) A member of the executive of a principal council may not be elected as the chairman of the council.**]**

(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.

[[F6](4A) Subsection (4) above shall have effect in relation to a district council which are operating executive arrangements which involve a mayor and cabinet executive [F7]. . . as if it provided for the elected mayor of the council to have precedence in the district, but this subsection shall not apply if the executive arrangements provide for it not to apply.**]**

(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.

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Textual Amendments

F5 S. 3(1A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 2(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F6 S. 3(4A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 2(1)(3)**; S.I. 2000/2849, **art. 2(e)**

F7 Words in s. 3(4A) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 3(2)** and repealed (prosp.) by ss. 241, 245, {Sch. 18 Pt. 3} of said Act

Modifications etc. (not altering text)

C34 S. 3 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008(S.I. 2008/907), {art. 20(6)}

C35 S. 3 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C36 S. 3 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C37 S. 3 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C38 S. 3 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C39 S. 3 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C40 S. 3 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C41 S. 3 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C42 S. 3 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

4 Election of chairman.

(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.

(1) A principal council shall appoint a member of the council to be vice-chairman of the council.

[[F8](1A) A member of the executive of a principal council may not be appointed as the 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.

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(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.

Textual Amendments

F8 S. 5(1A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 3(1)(2)**; S.I. 2000/2849, **art. 2(e)**

Modifications etc. (not altering text)

C43 S. 5 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C44 S. 5 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C45 S. 5 applied in part (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **34(4)**

C46 S. 5 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C47 S. 5 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C48 S. 5 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C49 S. 5 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C50 S. 5 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C51 S. 5 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

6 Term of office and retirement of councillors.

(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 **[**[F9]Representation of the People Act 1983**]**.

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

(a) every **[**[F10]non-metropolitan**]** county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act **[**[F11]and subject to **[**[F12]section 56(8) of the Local Democracy, Economic Development and Construction Act 2009**][**[F13]and section 12(4) of the Local Government and Public Involvement in Health Act 2007**]]**) one councillor;

[[F14](b) every metropolitan district shall be divided into wards, each returning such number of councillors as may be provided as mentioned in subsection (3) below;**]**

(c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided **[**[F15]as mentioned in subsection (3) below**]**;

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

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[[F16](3) The number of councillors referred to in subsection (2)(b) or (c) above may be provided—

(a) under or by virtue of the provisions of section 7 below;

(b) by an order under Part 2 of the Local Government Act 1992 (c. 19) **[**[F17]or Part 3 of the Local Democracy, Economic Development and Construction Act 2009**]**;

(c) by an order under section 14 of the Local Government and Rating Act 1997 (c. 29);

(d) by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007.**]**

Textual Amendments

F9 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F10 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 2**

F11 Words in s. 6(2)(a) inserted (28.9.2000) by 2000 c. 22, **ss. 89(4)**, 108(2)(a)

F12 Words in s. 6(2)(a) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 2(2)**; S.I. 2009/3318, **art. 4(ff)**

F13 Words in s. 6(2)(a) inserted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 22, 245, **Sch. 1 para. 11(2)**; S.I. 2007/3136, **art. 2** (subject to art. 3)

F14 S. 6(2)(b) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 58(2)**, 245

F15 Words in s. 6(2)(c) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 5(a)**

F16 S. 6(3) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 58(3)**, 245

F17 Words in s. 6(3)(b) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 2(3)**; S.I. 2009/3318, **art. 4(ff)**

Modifications etc. (not altering text)

C52 S. 6(2)(a) excluded (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 12(4)**, 245; S.I. 2007/3136, **art. 2(a)** (subject to art. 3)

C53 S. 6(2)(a) restricted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 56(7)**, 148(3)(b); S.I. 2009/3318, **art. 4(e)**

7 Elections of councillors.

(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 **[**[F18]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,

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and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.

(4) [F19] . . . . . .

(5) [F19] . . . . . .

(6) [F19] . . . . . .

(7) **[**[F20]Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may **[**[F21]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;

[[F22]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

(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

F18 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 3**

F19 S. 7(4)-(6) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 54(1)**, 245 (with s. 54(4)-(6)) and repealed (prosp.) by ss. 241, 245, {Sch. 18 Pt. 2} of said Act

Status: *Point in time view as at 04/04/2020.*
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F20 S. 7(7) repealed (1.8.2002) by virtue of The Local Government Commission for England (Winding-up) Order 2002 (S.I. 2002/1723), art. 3, **Sch.**

F21 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**

F22 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)

C54 S. 7 excluded (12.4.1994) by S.I. 1994/867, **reg. 6(3)**

C55 S. 7 excluded (25.3.2020) by Coronavirus Act 2020 (c. 7), **ss. 60(3)**, 87(1)

C56 S. 7(1) excluded (26.2.2008) by The Northumberland (Structural Change) Order 2008 (S.I. 2008/494), **art. 13(3)**

C57 S. 7(1) applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 25(4)**

C58 S. 7(1) excluded (26.2.2008) by The County Durham (Structural Change) Order 2008 (S.I. 2008/493), **art. 13(3)**

C59 S. 7(8)(9) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 23(1)**

C60 S. 7(8)(9) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 13(2)**

C61 S. 7(8)(9) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 12(1)**

C62 S. 7(8)(9) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 12(1)**

C63 S. 7(8)(9) excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), **art. 12(1)**

C64 S. 7(8)(9) excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), **art. 12(1)**

C65 S. 7(8)(9) excluded (25.3.2010) by The Norwich and Norfolk (Structural Changes) Order 2010 (S.I. 2010/997), arts. 1, **11(1)**
S. 7(8)(9) excluded (25.3.2010) by The Exeter and Devon (Structural Changes) Order 2010 (S.I. 2010/998), arts. 1, **11(1)**

C66 S. 7(8)(9) excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **19(1)**

C67 S. 7(8)(9) excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), **art. 12(1)**

C68 S. 7(8)(9) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 12(1)**

C69 S. 7(8)(9) excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), **art. 12(1)**

8 Constitution and membership of Greater London Council and London borough councils.

(1) Sections 2 to 7 above shall not apply to [F23]. . . 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.

[F24](2) . . . . . .

[F25](3) . . . . . .

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Textual Amendments

F23 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F24 S. 8(2) omitted (30.12.2007) and repealed (prosp.) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 54(2), 241, 245, **Sch. 18 Pt. 2** (with s. 54(6))

F25 S. 8(3) omitted (30.12.2007) and repealed (prosp.) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 54(2), 241, 245, **Sch. 18 Pt. 2** (with s. 54(6))

Parishes

9 Parish meetings and councils.

(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.

[F26](2) . . . . . .

[F27](3) . . . . . .

(4) Subject to any order under **[**[F28]section 10 or 11 below **[**[F29]Part II of the Local Government Act 1992 or **[**[F30]section 86 of the Local Government and Public Involvement in Health Act 2007**]]]**, 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.

[F31](5) . . . . . .

(6) An order shall not be made under **[**[F32]section 86 of the Local Government and Public Involvement in Health Act 2007**]** 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 **[**[F33]section 86 of the 2007 Act**]** 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

F26 S. 9(2) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)

F27 S. 9(3) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(a)**)

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F28 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**

F29 Words in s. 9(4) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(3)**

F30 Words in s. 9(4) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(2)**; S.I. 2008/337, **art. 2(b)(c)**

F31 S. 9(5) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)

F32 Words in s. 9(6) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(3)(a)**; S.I. 2008/337, **art 2(b)(c)**

F33 Words in s. 9(6) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(3)(b)**; S.I. 2008/337, **art 2(b)(c)**

Modifications etc. (not altering text)

C70 S. 9 excluded by S.I. 1979/1123, **art. 4(2)**

10 Power to dissolve parish councils in small parishes.

(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 **[**[F34]London borough council**]** for the dissolution of the parish council, and thereupon the district council **[**[F34]London borough 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.

Textual Amendments

F34 Words in s. 10(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 3(2)**; S.I. 2008/337, **art. 2(c)**

Modifications etc. (not altering text)

C71 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.

(1) The parish meeting of a parish may apply to the district council **[**[F35]or London borough council**]** for an order grouping the parish with some neighbouring parish or parishes in the same district **[**[F36]or London borough**]** 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 **[**[F35]or London borough 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—

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(a) for the name of the group;

[F37(b) the electoral arrangements that are to apply to the council;]

(c) for the application to the parishes included in the group of all or any of the provisions of [F38sections 298 to 303 of the Charities Act 2011 (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.

[F39(3A) In this section "electoral arrangements", in relation to a council, means all of the following—

(a) the year in which ordinary elections of councillors are to be held;

(b) the number of councillors to be elected to the council by each parish;

(c) the division (or not) of any of the parishes, into wards for the purpose of electing councillors;

(d) the number and boundaries of any such wards;

(e) the number of councillors to be elected for any such ward;

(f) the name of any such ward.]

(4) The district council [F40or London borough 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 [F40or London borough 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 F41. . . subsection (4) above or [F42Part II of the Local Government Act 1992][F43or [F44section 86 of the Local Government and Public Involvement in Health Act 2007]] 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 [F45subsection (4) above or [F44section 86 of the Local Government and Public Involvement in Health Act 2007]] in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

Textual Amendments

F35 Words in s. 11(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(2)(a)**; S.I. 2008/337, **art. 2(c)**

F36 Words in s. 11(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(2)(a)**; S.I. 2008/337, **art. 2(c)**

F37 S. 11(3)(b) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(3)**; S.I. 2008/337, **art. 2(c)**

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F38 Words in s. 11(3)(c) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 22** (with s. 20(2), Sch. 8)

F39 S. 11(3A) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(4)**; S.I. 2008/337, **art. 2(c)**

F40 Words in s. 11(4) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(5)**; S.I. 2008/337, **art. 2(c)**

F41 Words in s. 11(5) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 7(a)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)

F42 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**

F43 Words in s. 11(5)(a) inserted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 7(b)**

F44 Words in s. 11(5) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 4(6)**; S.I. 2008/337, **art. 2(c)**

F45 Words in s. 11(5) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 7(c)**

Modifications etc. (not altering text)

C72 S. 11 excluded by S.I. 1979/1123, **art. 4(2)**
S. 11: 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**

[F46 11A Grouping: alternative styles

(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;
- (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.

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(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 **[**[F47]Local Government Boundary Commission for England**]**;
  (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

F46 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)**

F47 Words in s. 11A(10)(b) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 3**; S.I. 2009/3318, **art. 4(ff)**

11B De-grouping: alternative styles

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

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Textual Amendments

F46 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.

(1) An order made by a district council or district councils **[**[F48]or by a London borough council**]** under section [F49]. . . 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils **[**[F50]or the London borough 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) When any such order is made, **[**[F51]**[**[F52] section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters) shall apply as if—

(i) the reference in subsection (1) to an order under section 7 or 10 of that Act were to an order under section 10 or 11 of this Act; and

(ii) the reference in subsection (5)(b) to any order or regulations under Chapter 1 of Part 1 of that Act were to an order under section 10 or 11 of this Act.**]**

(3) Two copies of every **[**[F53]order under section 10 or 11 above**]** shall be sent to the Secretary of State.**]**

Textual Amendments

F48 Words in s. 12(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 5(2)(a)**; S.I. 2008/337, **art. 2(c)**

F49 Word in s. 12(1) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 8** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)

F50 Words in s. 12(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 5(2)(b)**; S.I. 2008/337, **art. 2(c)**

F51 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**

F52 Words in s. 12(2) substituted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 22, 245, **Sch. 1 para. 11(3)(a)**; S.I. 2007/3136, **art. 2** (subject to art. 3)

F53 Words in s. 12(3) substituted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 22, 245, **Sch. 1 para. 11(3)(b)**; S.I. 2007/3136, **art. 2** (subject to art. 3)

[[F54]12A Parishes: alternative styles

(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—

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(a) to cease to have an alternative style, and
(b) to have another of the alternative styles instead.

(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 **[**[F55]Local Government Boundary Commission for England**]**;
(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

F54 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)**

F55 Words in s. 12A(5)(b) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 3**; S.I. 2009/3318, **art. 4(ff)**

12B Groups of parishes: alternative styles

(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 **[**[F56]Local Government Boundary Commission for England**]**;
(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

F54 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)**

F56 Words in s. 12B(6)(b) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 3**; S.I. 2009/3318, **art. 4(ff)**

13 Constitution of parish meeting, etc.

(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.

[[F57](5A) If the parish has the style of community—

(a) the parish meeting shall have the style of "community meeting";

(b) the parish trustees shall be known by the name of "The Community Trustees" with the addition of the name of the community.

(5B) If the parish has the style of neighbourhood—

(a) the parish meeting shall have the style of "neighbourhood meeting";

(b) the parish trustees shall be known by the name of "The Neighbourhood Trustees" with the addition of the name of the neighbourhood.

(5C) If the parish has the style of village—

(a) the parish meeting shall have the style of "village meeting";

(b) the parish trustees shall be known by the name of "The Village Trustees" with the addition of the name of the village.**]**

Textual Amendments

F57 S. 13(5A)-(5C) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 75(4)**, 245; S.I. 2008/337, **art. 2(a)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C73 S. 13 modified (1.4.2014) by The West Yorkshire Combined Authority Order 2014 (S.I. 2014/864), arts. 1(2), **13**

14 Constitution and powers of parish council.

(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.

[[F58](2A) If the parish has the style of community, the council shall be known by the name "The Community Council" with the addition of the name of the community.

(2B) If the parish has the style of neighbourhood, the council shall be known by the name "The Neighbourhood Council" with the addition of the name of the neighbourhood.

(2C) If the parish has the style of village, the council shall be known by the name "The Village Council" with the addition of the name of the village.

(2D) If parishes are grouped under a common parish council—

(a) subsection (2), (2A), (2B) or (2C) (as appropriate) applies to that council as the subsection would apply in the case of the council of an individual parish; but

(b) the names of all of the parishes, communities, neighbourhoods or villages in the group are to be included in the name of the common council.**]**

(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.

Textual Amendments

F58 S. 14(2A)-(2D) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 75(5)**, 245; S.I. 2008/337, **art. 2(a)**

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

(1) The chairman of a parish council shall be elected annually by the council from among the **[**[F59]elected**]** 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 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.

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(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 **[**[F60]a member**][**[F60]one of the elected members**]** 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.

[[F61](11) If the parish has the style of community, the chairman and vice-chairman shall (respectively) have the style—

(a) "chairman of the community council";

(b) "vice-chairman of the community council".

(12) If the parish has the style of neighbourhood, the chairman and vice-chairman shall (respectively) have the style—

(a) "chairman of the neighbourhood council";

(b) "vice-chairman of the neighbourhood council".

(13) If the parish has the style of village, the chairman and vice-chairman shall (respectively) have the style—

(a) "chairman of the village council";

(b) "vice-chairman of the village council".

(14) If parishes which have an alternative style are grouped under a common parish council, subsection (11), (12) or (13) (as appropriate) applies to the chairman and vice-chairman of that council as the subsection would apply in the case of the council of an individual parish.**]**

Textual Amendments

F59 Word in s. 15(1) inserted (1.4.2008 for the purposes of making regulations under s. 16A and otherwise prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 76(2)(a)**, 245; S.I. 2008/917, **art. 4**

F60 Words in s. 15(6) substituted (1.4.2008 for the purposes of making regulations under s. 16A and otherwise prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 76(2)(b)**, 245; S.I. 2008/917, **art. 4**

F61 S. 15(11)-(14) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 75(6)**, 245; S.I. 2008/337, **art. 2(a)**

Status: *Point in time view as at 04/04/2020.*
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16 Parish councillors.

(1) The number of **[**[F62]elected**]** parish councillors for each parish **[**[F63]council**][**[F64]shall not be less than five.**]**

(2) Parish councillors shall be elected by the local government electors for the parish in accordance with this Act and Part I of the **[**[F65]Representation of the People Act 1983 **[**[F66]and relevant electoral arrangements**]]**.

[[F67](2A) In their application to the election of parish councillors, this Act and Part 1 of the Representation of the People Act 1983 (c. 2) are subject to the relevant electoral arrangements that apply to the election.

(2B) For the purposes of this section "relevant electoral arrangements" means—

(a) any arrangements about the election of councillors that are made in, or applicable by virtue of, provision made by virtue of section 245(6)(b) of the Local Government and Public Involvement in Health Act 2007 (transitional, saving or transitory provision), and

(b) any electoral arrangements applicable to the council by virtue of an order under section 7 or 10 or an order under section 86 of the Local Government and Public Involvement in Health Act 2007.**]**

(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.

[[F68](6) If the parish has the style of community, the councillors shall have the style of "councillors of the community council".

(7) If the parish has the style of neighbourhood, the councillors shall have the style of "councillors of the neighbourhood council".

(8) If the parish has the style of village, the councillors shall have the style of "councillors of the village council".

(9) If parishes which have an alternative style are grouped under a common parish council, subsection (6), (7) or (8) (as appropriate) applies to the councillors of that council as the subsection would apply in the case of the council of an individual parish.**]**

Textual Amendments

F62 Word in s. 16(1) inserted ((1.4.2008 for the purposes of making regulations under s. 16A and otherwise prosp) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 76(3)**, 245; S.I. 2008/917, **art. 4**

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F63 Word in s. 16(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 6(2)**; S.I. 2008/337, **art. 2(c)**

F64 Words in s. 16(1) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 9**

F65 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F66 Words in s. 16(2) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 6(3)**; S.I. 2008/337, **art. 2(c)**

F67 S. 16(2A)(2B) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 6(4)**; S.I. 2008/337, **art. 2(c)**

F68 S. 16(6)-(9) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 75(7)**, 245; S.I. 2008/337, **art. 2(a)**

Modifications etc. (not altering text)

C74 S. 16 excluded (25.3.2020) by Coronavirus Act 2020 (c. 7), **ss. 60(3)**, 87(1)

C75 S. 16(3): power to exclude and modify conferred (19.5.1997) by 1997 c. 29, **ss. 23(7)(a)**, 34(2) (with s. 25)
S. 16(3) excluded (1.4.1999) by S.I. 1999/545, **reg. 11(3)**

C76 S. 16(3) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 26(1)**

C77 S. 16(3) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 15(1)**

C78 S. 16(3) excluded (26.2.2008) by The Northumberland (Structural Change) Order 2008 (S.I. 2008/494), **art. 14(1)**

C79 S. 16(3) excluded (26.2.2008) by The County Durham (Structural Change) Order 2008 (S.I. 2008/493), **art. 14(1)**

C80 S. 16(3) excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), **art. 13**

C81 S. 16(3) excluded (26.2.2008) by The Wiltshire (Structural Change) Order 2008 (S.I. 2008/490), **art. 12**

C82 S. 16(3) excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), arts. 1, **13**

C83 S. 16(3) excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **40**

C84 S. 16(3) excluded (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **19**

C85 S. 16(3) excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **21**

[F69 16A Appointed councillors

(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);

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(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

F69 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**

[F70 17 . . . . . .

Textual Amendments

F70 S. 17 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

Miscellaneous

[F71 17A Alternative styles: supplementary

(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

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(b) section 86 of the Local Government and Public Involvement in Health Act 2007.**]**

Textual Amendments

F71 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.

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.

This Part of this Act shall extend to England only.

PART II

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

[F72 20 New principal local government areas in Wales.

(1) For the administration of local government on and after 1st April 1996, the local government areas in Wales shall be—
   (a) the new principal areas; and
   (b) the communities.

(2) The new principal areas (determined by reference to areas which, immediately before the passing of the Local Government (Wales) Act 1994, are local government areas) are set out in Parts I and II of Schedule 4 to this Act.

(3) Each of the new principal areas shall have the name given to it in Schedule 4.

(4) The new principal areas set out in Part I of Schedule 4 shall be counties and those set out in Part II of that Schedule shall be county boroughs.

(5) In this Act "principal area", in relation to Wales, means a county or county borough.

(6) The counties which were created by this Act, as originally enacted, as counties in Wales, and the districts within them, shall cease to exist on 1st April 1996 except

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that the preserved counties shall continue in existence (with, in some cases, modified boundaries) for certain purposes.

(7) The councils of the counties and districts mentioned in subsection (6) above shall cease to exist on 1st April 1996.

(8) The areas of the preserved counties are set out in Part III of Schedule 4 and are determined by reference to local government areas in existence immediately before the passing of the Local Government (Wales) Act 1994.

(9) The Secretary of State may by order change the name by which any of the preserved counties is for the time being known.

(10) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(11) The Welsh name of each of the new principal areas is shown in Schedule 4 immediately after its English name.**]**

Textual Amendments

F72 S. 20 substituted (5.7.1994) by 1994 c. 19, **ss. 1(1)**, 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Principal councils

[F73 21 Constitution of principal councils in Wales.

(1) For every principal area in Wales there shall be a council consisting of a chairman and councillors.

F74(1A) **[** Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive F75..., the council shall consist of an elected mayor, a chairman and councillors.**]**

F76(1B) **[** In such a case, a reference in this Act to a member of a council is a reference to—

(a) the elected mayor of the council,

(b) the chairman of the council, or

(c) a councillor of the council.**]**

(2) Each such council shall be a body corporate and shall have the functions given to them by this Act or otherwise.

(3) Each council for a county in Wales shall have the name of the county with the addition—

(a) in the case of their English name, of the words "County Council" or the word "Council" (as in "Cardiganshire County Council" or "Cardiganshire Council"); and

(b) in the case of their Welsh name, of the word "Cyngor" (as in "Cyngor Sir Aberteifi").

(4) Each council for a county borough in Wales shall have the name of the county borough with the addition—

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(a) in the case of their English name, of the words "County Borough Council" or the word "Council" (as in "Caerphilly County Borough Council" or "Caerphilly Council"); and

(b) in the case of their Welsh name, of the words "Cyngor Bwrdeistref Sirol" or the word "Cyngor" (as in "Cyngor Bwrdeistref Sirol Caerffili" or "Cyngor Caerffili").

(5) In the case of Abertawe, Caerdydd and Powys subsection (3)(b) above shall have effect as if it required the addition of the words "Cyngor Sir".**]**

Textual Amendments

F73 S. 21 substituted (20.3.1995) by 1994 c. 19, **s. 2** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**

F74 S. 21(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 4(1)(2)**

F75 Words in s. 21(1A) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(a), 178(2), **Sch. 4 Pt. B**

F76 S. 21(1B) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 4(2)**

Members of principal councils

22 Chairman.

(1) The chairman of a principal council shall be elected annually by the council from among the councillors.

[[F77](1A) Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and 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.

[[F78](4) The chairman of a principal council shall have precedence in the area of that council, but not so as to affect Her Majesty's prerogative prejudicially.**]**

[[F79](4A) Subsection (4) above shall have effect in relation to a principal council which are operating executive arrangements which involve a mayor and cabinet executive [F80]... as if it provided for the elected mayor of the council to have precedence in the area of that council, but this subsection shall not apply if the executive arrangements provide for it not to apply.**]**

[F81](5) . . . . . .

Textual Amendments

F77 S. 22(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 5(1)(2)**

F78 S. 22(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 2** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Status: *Point in time view as at 04/04/2020.*
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F79 S. 22(4A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 5(1)(3)**
F80 Words in s. 22(4A) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(b), 178(2), **Sch. 4 Pt. B**
F81 S. 22(5) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

23 Election of chairman.

(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)
C86 S. 23 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

24 Vice-chairman.

(1) A principal council shall appoint a member of the council to be a vice-chairman of the council.

[[F82](1A) A member of the executive of a principal council may not be appointed as the 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.

[F83](4) . . . . . .

Textual Amendments
F82 S. 24(6)(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 6(1)(2)**
F83 S. 24(4) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

Modifications etc. (not altering text)
C87 S. 24 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

[[F84]24A Presiding member

(1) A principal council may determine to have a presiding member.

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(2) A presiding member is elected by the principal council from among the councillors.

(3) The principal council may determine—
- (a) the functions of the presiding member, and
- (b) the term of office of the member (subject to the limits in subsection (6)).

(4) The functions of the presiding member may, in particular, include any function of the chairman of the principal council in relation to its meetings and proceedings.

(5) A member of the executive of a principal council may not be elected as its presiding member.

(6) A presiding member is to continue in office until the occurrence of—
- (a) the presiding member's resignation or disqualification,
- (b) a successor becoming entitled to act as presiding member,
- (c) the principal council determining not to have an office of presiding member, or
- (d) an ordinary council election under section 26.

Textual Amendments

F84 Ss. 24A, 24B inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 51(2)**, 75(2)(d)

24B Deputy presiding member

(1) The section applies where a principal council have determined to have a presiding member.

(2) The principal council must appoint a member of the council to act as deputy to the presiding member ("the deputy presiding member").

(3) A member of the executive of a principal council may not be appointed as the deputy presiding member.

(4) A deputy presiding member is to continue in office until the occurrence of—
- (a) the deputy presiding member's resignation or disqualification,
- (b) a successor becoming entitled to act as deputy presiding member,
- (c) the council determining not to have an office of presiding member, or
- (d) an ordinary council election under section 26.

(5) A deputy presiding member may do anything authorised or required to be done by the presiding member.**]**

Textual Amendments

F84 Ss. 24A, 24B inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 51(2)**, 75(2)(d)

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

25 Term of office and retirement of councillors.

(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 **[**[F85]Representation of the People Act 1983**]**.

[[F86](2) For the purpose of the election of councillors, every principal area in Wales shall be divided into electoral divisions, each returning such number of councillors as may be provided by an order under paragraph 2 of Schedule 5 to this Act or under or by virtue of the provisions of Part IV of this Act **[**[F87]or Part 3 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4)**]**.

(3) There shall be a separate election for each electoral division.**]**

Textual Amendments

F85 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F86 S. 25(2)(3) substituted for s. 25(2) (20.3.1995) by 1994 c. 19, **s. 4(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**

F87 Words in s. 25(2) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(2)**

[[F88]25A Title of chairman or vice-chairman of county borough council.

(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".**]**

[[F89](3) This section does not apply where a county borough council are operating executive arrangements which involve a mayor and cabinet executive [F90]....**]**

Textual Amendments

F88 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**

F89 S. 25A(3) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 7(1)(2)**

F90 Words in s. 25A(3) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(c), 178(2), **Sch. 4 Pt. B**

[[F91]25B Title of civic chair

(1) This section applies where—

(a) a principal council have determined to have a presiding member under section 24A, and

(b) the chairman of the council is not entitled to the style of "mayor" or "maer".

(2) The chairman of the council is entitled to the style of "civic chair" or "cadeirydd dinesig".

(3) The vice-chairman of the council is entitled to the style of "civic vice-chair" or "dirprwy gadeirydd dinesig".**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F91 S. 25B inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 51(3)**, 75(2)(d)

[F92 26 Elections of councillors.

(1) The ordinary elections of councillors of the new principal councils shall take place in **[**F93 2022**]** and in every fourth year after **[**F93 2022**]**.

(2) The term of office of every such councillor shall be four years.

(3) On the fourth day after any such ordinary election—

(a) the persons who were councillors immediately before the election shall retire; and

(b) the newly elected councillors shall assume office.**]**

Textual Amendments

F92 S. 26 substituted (20.3.1995) by 1994 c. 19, **s. 4(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**

F93 Word in s. 26(1) substituted (W.) (6.11.2019) by The Local Authorities (Change to the Years of Ordinary Elections) (Wales) Order 2019 (S.I. 2019/1269), arts. 1(2), **3(2)**

Communities

[F94 27 Community meetings and continuation of community councils.

(1) A meeting of the local government electors for a community ("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) The community councils in existence on 1st April 1996 shall, subject to any provision made under this Act, continue in existence after that date.

(3) Subsection (4) below applies where—

(a) the name of a community was given only in its English form or only in its Welsh form; but

(b) there is a generally accepted alternative form of that name, or alternative name, in Welsh or (as the case may be) in English.

(4) The principal council within whose area the community lies shall, before 1st October 1997, take such steps as may be prescribed with a view to securing that there is both an English and a Welsh name for the community.**]**

Textual Amendments

F94 S. 27 substituted (1.4.1996) by 1994 c. 19, **s. 8** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F95 27A Power of community meeting to apply for an order establishing a community council

(1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.

(2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.

(3) For the purposes of the first condition a decision is only effective if not less than—
  (a) 10% of the local government electors for the community, or
  (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
are present and voting at the community meeting.

(4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

(5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).

(6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.

(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

Textual Amendments

F95 S. 27A inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 101**, 178(2) (with s. 115)

[F96 27B Orders establishing separate community councils for communities

(1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.

(2) The principal council must consider whether it is satisfied that—
  (a) the conditions in section 27A are met; and
  (b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).

(4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.

(5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless—
  (a) the community is separated from the group, or
  (b) the group is dissolved,

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by the order, or by an order under section 27J or section 27L below.

(6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council to be necessary for the alteration of the group's community council.**]**

Textual Amendments

F96 S. 27B inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 102**, 178(2) (with s. 115)

[F97 27C Power of community meeting to apply for an order dissolving its separate community council

(1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.

(2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.

(3) For the purposes of the first condition a decision is only effective if not less than—

(a) 30% of the local government electors for the community, or

(b) 300 of the electors (if 30% of the electors exceeds 300 electors),

are present and voting at the community meeting.

(4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

(5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).

(6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.

(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.**]**

Textual Amendments

F97 S. 27C inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 103**, 178(2) (with s. 115)

[F98 27D Orders dissolving separate community councils for communities

(1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.

(2) The principal council must consider whether it is satisfied that—

(a) the conditions in section 27C are met; and

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for.**]**

Textual Amendments

F98 S. 27D inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 104**, 178(2) (with s. 115)

[F99 27E Power of community meeting to apply for an order grouping its community with other communities under a common community council

(1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.

(2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.

(3) For the purposes of the first condition a decision is only effective if not less than—

(a) 10% of the local government electors for the community, or

(b) 150 of the electors (if 10% of the electors exceeds 150 electors),

are present and voting at the community meeting.

(4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

(5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).

(6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.

(7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.

(8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.**]**

Textual Amendments

F99 S. 27E inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 105**, 178(2) (with s. 115)

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F100 27F Orders grouping a community with other communities under a common community council

(1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.

(2) The principal council must consider whether it is satisfied that—
  (a) the conditions in section 27E are met; and
  (b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).

(4) The order shall provide for the name of the group in both an English and a Welsh form.

(5) The order shall—
  (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
  (b) provide for the dissolution of the separate community council of any community included in the group.

(6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of **[**F101 sections 298 to 303 of the Charities Act 2011 (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.

(7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.**]**

Textual Amendments

F100 S. 27F inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 106**, 178(2) (with s. 115)

F101 Words in s. 27F(6) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 23** (with s. 20(2), Sch. 8)

[F102 27G Power of community meeting to apply for an order adding its community to a group of communities with a common council

(1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.

(2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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) For the purposes of the first condition a decision is only effective if not less than—
  (a) 10% of the local government electors for the community, or
  (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
are present and voting at the community meeting.

(4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.

(5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.

(6) For the purposes of the third condition a decision is only effective if not less than—
  (a) 10% of the local government electors for the community, or
  (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
are present and voting at the community meeting.

(7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.

(8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).

(9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.

(10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.**]**

Textual Amendments

F102 S. 27G inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 107**, 178(2) (with s. 115)

[F103 27H Orders adding a community to a group of communities with a common council

(1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.

(2) The principal council must consider whether is it satisfied that—
  (a) the conditions in section 27G are met; and
  (b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).

(4) order shall provide for the name of the group in both an English and a Welsh form.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(5) The order shall—

(a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and

(b) provide for the dissolution of any separate community council for the community that is added to the group.

(6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of **[**[F104]sections 298 to 303 of the Charities Act 2011 (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.

(7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.**]**

Textual Amendments

F103 S. 27H inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 108**, 178(2) (with s. 115)

F104 Words in s. 27H(6) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 24** (with s. 20(2), Sch. 8)

[[F105]**27I Power of council for a group of communities to apply for an order dissolving the group**

(1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.

(2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.

(3) For the purposes of the first condition a decision is only effective if not less than—

(a) 30% of the local government electors for the community, or

(b) 300 of the electors (if 30% of the electors exceeds 300 electors),

are present and voting at the community meeting.

(4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

(5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).

(6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.

(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F105 S. 27I inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 109**, 178(2) (with s. 115)

[F106 27J Orders dissolving a group of communities

(1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.

(2) The principal council must consider whether is it satisfied that—
  (a) the conditions in section 27I are met; and
  (b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).

(4) 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 People Act 1983.**]**

Textual Amendments

F106 S. 27J inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 110**, 178(2) (with s. 115)

[F107 27K Power of community meeting to apply for an order separating community from a group of communities

(1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.

(2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.

(3) For the purposes of the first condition a decision is only effective if not less than—
  (a) 30% of the local government electors for the community, or
  (b) 300 of the electors (if 30% of the electors exceeds 300 electors),

  are present and voting at the community meeting.

(4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

(5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).

(6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.**]**

Textual Amendments

F107 S. 27K inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 111**, 178(2) (with s. 115)

[[F108]27L Orders separating a community from a group of communities

(1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.

(2) The principal council must consider whether is it satisfied that—
- (a) the conditions in section 27K are met; and
- (b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).

(4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.**]**

Textual Amendments

F108 S. 27L inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 112**, 178(2) (with s. 115)

[[F109]27MPower of Welsh Ministers to alter voting thresholds in connection with organisation of community councils

(1) The Welsh Ministers may by order amend the following provisions of this Act—
- (a) section 27A(3) and (6);
- (b) section 27C(3) and (6);
- (c) section 27E(3) and (6);
- (d) section 27G(3), (4), (6) and (7);
- (e) section 27I(3) and (6);
- (f) section 27K(3) and (6).

(2) That power includes power to amend provision previously made by an order under subsection (1).

(3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
- (a) principal councils in Wales or a body representative of such councils; and
- (b) community councils in Wales or a body representative of such councils.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.

(5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.**]**

Textual Amendments

F109 S. 27M inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 113**, 178(2)

F110 28 Establishment or dissolution of community councils.

. . . . . .

Textual Amendments

F110 Ss. 28-29B repealed (11.5.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

F110 29 Community councils for groups of communities.

. . . . . .

Textual Amendments

F110 Ss. 28-29B repealed (11.5.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

F110 29A Community councils for groups of communities: dissolution.

. . . . . .

Textual Amendments

F110 Ss. 28-29B repealed (11.5.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

F110 29B Community councils: applications under section 28, 29 or 29A.

. . . . . .

Textual Amendments

F110 Ss. 28-29B repealed (11.5.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

30 Restriction on community applications during and after reviews.

(1) Subject to subsection (3) below, no community application shall be made in relation to any community—

[F111](a) . . . . . .

[F112](b) . . . . . .

[[F113](ba) during the period of two years beginning with the coming into force of an order relating to the community under Part 3 of the Local Government (Democracy) (Wales) Act 2013 consequent on recommendations made under that Part by the Local Democracy and Boundary Commission for Wales]

(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.

[F114](2) . . . . . .

(3) The Secretary of State may, on an application made by [[F115]the [[F116]Local Democracy and Boundary Commission for Wales]] at any time when conducting a review [F117]... [[F118]or Part 3 of the Local Government (Democracy) (Wales) Act 2013] or on an application by a [[F119]principal] 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 [[F120]subsection (1)] 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 [[F121]area] in which the community is situated or by the community council (if any) or a community meeting of the community.

(5) In this section "community application" means any application [[F122]referred to in section 27B, 27D, 27F, 27H, 27J or 27L] above.

Textual Amendments

F111 S. 30(1)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 4(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F112 S. 30(1)(b) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F113 S. 30(1)(ba) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(a)**

F114 S. 30(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 4(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F115 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**

F116 Words in s. 30(3) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(b)(i)**

F117 Words in s. 30(3) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F118 Words in s. 30(3) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(b)(ii)**

F119 Word in s. 30(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F120 Words in s. 30(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Status: *Point in time view as at 04/04/2020.*
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F121 Word in s. 30(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F122 Words in s. 30(5) substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(a)**, 178(2) (with s. 115)

Modifications etc. (not altering text)

C88 S. 30(3)(4): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise*prosp.*) by 2000 c. 41, **ss. 20(3)(a)**, 163(2)(3)(d) (with s. 156(6))

31 Provision supplementary to sections [F123 27A to 27L].

(1) An order made by a [F124 principal] council under section [F125 27B, 27D, 27F, 27H, 27J or 27L] above may contain such incidental, consequential, transitional or supplementary provision as may appear to the [F124 principal] 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 [F126 44 of the Local Government (Democracy) (Wales) Act 2013 is to apply as if the order were made under Part 3 of that Act.]

(3) Two copies of every such order shall be sent to the Secretary of State.

Textual Amendments

F123 Words in s. 31 heading substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(b)(i)**, 178(2) (with s. 115)

F124 Words in s. 31(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 5(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F125 Words in s. 31(1) substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(b)(ii)**, 178(2) (with s. 115)

F126 Words in s. 31(2) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(4)**

Modifications etc. (not altering text)

C89 S. 31 applied (5.7.1994) by 1994 c. 19, **ss. 48(3)**, 66(2)(a) (with ss. 54(5)(7), 55(5))

C90 S. 31(3): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise*prosp.*) by 2000 c. 41, **ss. 20(3)(a)**, 163(2)(3)(d) (with s. 156(6))

32 Constitution of community meeting.

(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.

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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 09 September 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)*

[F127 33 Constitution and powers of community councils.

(1) A community council shall be a body corporate consisting of the chairman and community councillors and shall have the functions given to them by this Act or otherwise.

(2) Each community council shall have the name of the community, with the addition—
  (a) in English, of the words "Community Council" (as in "Dale Community Council" or "Llandrillo Community Council"); and
  (b) in Welsh, of the words "Cyngor Cymuned" (as in "Cyngor Cymuned Dale" or "Cyngor Cymuned Llandrillo").

(3) A community council need not have a common seal.

(4) Where a community council do not have a 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

F127 S. 33 substituted (1.4.1996) by 1994 c. 19, **s. 13** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

[F128 33A Consultation with community councils.

(1) The Secretary of State may by order designate any matter—
  (a) for the purposes of subsection (2) below; or
  (b) 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—
  (a) afford the relevant community councils an opportunity to make representations to them about the proposal;
  (b) 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
  (c) 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—
  (a) 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
  (b) 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—
  (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;

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(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

F128 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**

[[F129]33B Principal council's response to a community poll

(1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council's functions.

(2) The council must, during the relevant period, perform one of the actions described in subsection (4).

(3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.

(4) The actions referred to in subsection (2) are as follows—

(a) to exercise the council's functions in accordance with the question in relation to which the poll was taken;

(b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);

(c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;

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(d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;

(e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;

(f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.

(5) In this section the "relevant period" means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.**]**

Textual Amendments

F129 S. 33B inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 98**, 178(3); S.I. 2012/1187, art. 2(1)(k)

[F130 33C Principal council's explanation of its response to a community poll

(1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—

(a) describes what action the council has taken in response to the community poll to which the notice relates, and

(b) describes what further action (if any) the council intends to take.

(2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—

(a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;

(b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.

(3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.

(4) In subsection (3), "relevant convening notice" means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.

(5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with sub-paragraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.

(6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.**]**

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F130 S. 33C inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 99**, 178(3); S.I. 2012/1187, art. 2(1)(k)

34 Chairman and vice-chairman of community council.

(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.

[F131](5) . . . . . .

(6) A community 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 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.

Textual Amendments

F131 S. 34(5) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

35 Community councillors.

(1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the **[**[F132]Representation of the People Act 1983**]**.

[[F133](2) There shall be ordinary elections of community councillors in **[**[F134]2022**]** and in every fourth year thereafter.

(2A) The term of office of the community councillors shall be four years.

(2B) On the fourth day after any such ordinary election—

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(a) the persons who were councillors immediately before the election shall retire; and

(b) the newly elected councillors shall assume office.**]**

(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

F132 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F133 S. 35(2)(2A)(2B) substituted for s. 35(2) (3.4.1995) by 1994 c. 19, **s. 15** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

F134 Word in s. 35(2) substituted (W.) (6.11.2019) by The Local Authorities (Change to the Years of Ordinary Elections) (Wales) Order 2019 (S.I. 2019/1269), arts. 1(2), **3(3)**

[F135 36 . . . . . .

Textual Amendments

F135 S. 36 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

Miscellaneous

[F136 37 Establishment of principal councils in Wales.

Schedule 5 to this Act shall have effect with respect to the establishment of principal councils in Wales and connected matters.**]**

Textual Amendments

F136 S. 37 substituted (20.3.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 6** (with ss. 54(6)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**

38 Extent of Part II.

This Part of this Act shall extend to Wales only.

PART III

F137 39–45 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F137 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

CHANGES IN LOCAL GOVERNMENT AREAS

Modifications etc. (not altering text)

C91 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)**

C92 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

[F138]46 . . . . . .

Textual Amendments

F138 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**

[F139]47 . . . . . .

Textual Amendments

F139 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**

[F140]48 . . . . . .

Textual Amendments

F140 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**

[F141]49 . . . . . .

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F141 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**

[F142]50 . . . . . .

Textual Amendments

F142 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**

[F143]51 . . . . . .

Textual Amendments

F143 Ss. 46-52 repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 PtII**; S.I. 1992/2371, **art.2**

[F144]52 . . . . . .

Textual Amendments

F144 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

[F145]53 Local Government Boundary Commission for Wales.

. . . . . .

Textual Amendments

F145 S. 53 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F146]54 Proposals for changes in local government areas in Wales.

. . . . . .

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F146 S. 54 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F147]55 Review of local government areas in Wales.

. . . . . .

Textual Amendments

F147 S. 55 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F148]56 Power of Secretary of State to direct holding of reviews.

. . . . . .

Textual Amendments

F148 S. 56 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F149]57 Substantive changes in electoral arrangements.

. . . . . .

Textual Amendments

F149 S. 57 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F150]57A Exercise of functions by the Welsh Commission on behalf of principal councils

. . . . . .

Textual Amendments

F150 S. 57A repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F151]58 Commission's reports and their implementation.

. . . . . .

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F151 S. 58 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F152 59 Directions about reviews.

. . . . . .

Textual Amendments

F152 S. 59 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

Conduct of reviews

F153 60 Procedure for reviews.

. . . . . .

Textual Amendments

F153 S. 60 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F154 61 Local inquiries.

. . . . . .

Textual Amendments

F154 S. 61 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

Border between England and Wales

F155 62 . . . . . .

Textual Amendments

F155 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**

Status: *Point in time view as at 04/04/2020.*
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Initial reviews

[F156]63 . . . . . .

Textual Amendments

F156 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 Review of electoral arrangements for Welsh principal areas.

[F157] . . . . . .

Textual Amendments

F157 S. 64 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Supplementary provisions

[F158]65 Delegation of functions of Commission.

. . . . . .

Textual Amendments

F158 S. 65 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

[F159]66 . . . . . .

Textual Amendments

F159 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**

[[F160]67 Consequential and transitional arrangements relating to Part IV.

(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—

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(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, **[**[F161]justice of the peace other than a District Judge (Magistrates' Courts),**]** coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers (including police officers) **[**[F162], and the functions of any District Judge (Magistrates' Courts),**]**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 **[**[F163], election and membership**]** of public bodies in any area affected by the order;

[[F164](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;

[F165](f) . . . . . .

(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.

[[F166](5A) Without prejudice to subsection (5), an order under section 58 which makes provision altering any police areas may make provision as to who is to be a police and crime commissioner, including—

(a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;

(b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.

(5B) Such an order which includes provision within subsection (5A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect.**]**

[F167](6) . . . . . .**]**

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Textual Amendments

F160 S. 67 repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F161 Words in s. 67(2)(b) substituted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 20(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

F162 Words in s. 67(2)(b) inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 20(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

F163 Words in s. 67(5)(b) substituted (1.4.1995) by 1994 c. 29, **s. 40(5)**; S.I. 1994/3262, art. 4(1), **Sch.**

F164 S. 67(5)(c) substituted by S.I. 1977/1710, **art. 3(a)**

F165 S. 67(5)(f) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 15, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F166 S. 67(5A)(5B) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 10 para. 2**; S.I. 2012/1129, art. 2(g)

F167 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**

[[F168]68 Transitional agreements as to property and finance.

(1) Any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act **[**[F169]or by an order under section 162 of the Local Government (Wales) Measure 2011**]** 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;

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

[F170](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 [M2]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

F168 S. 68 repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F169 Words in s. 68(1) inserted (31.8.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 168(5)**, 178(3); S.I. 2011/2011, art. 2(s)

F170 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

M2 1888 c. 41.

[[F171]69 Variation and revocation of orders under Part IV, etc.

(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 **[**[F172]Welsh principal**]** 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.

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(3) The Secretary of State or **[**[F172]Welsh principal**]** 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 **[**[F173]Welsh principal**]** 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 [F174]. . . council with the substitution for references to a Minister of references to the council.

(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 [M3]Local Government Act 1929;

(b) Part VI of the 1933 Act;

(c) Part II of the [M4]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 **[**[F175]any predecessor of a Welsh principal council**]** may be varied or revoked in relation to any **[**[F176]Welsh principal area**]** to which or part of which that provision relates by an order made by the council of **[**[F177]that area**]**, 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.**]**

Textual Amendments

F171 S. 69 repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F172 Words in s. 69(2)(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 16(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F173 Words in s. 69(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 16(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F174 Word in s. 69(4) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), **Sch. 15 para. 16(b)**, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F175 Words in s. 69(6) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 16(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F176 Words in s. 69(6) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 16(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F177 Words in s. 69(6) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 16(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C93 S. 69: 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))

Marginal Citations

M3 1929 c. 17.

M4 1958 c. 55.

Miscellaneous

70 Restriction on promotion of Bills for changing local government areas, etc.

[F178(1)] [F179[F180No] local authority [F181in England][F182, joint authority [F183, economic prosperity board][F184or combined authority]]F185...] shall have power to promote a bill for forming or abolishing any local government area F186... or for altering, or altering the status or electoral arrangements of, any local government area F186. . .

[F187(2) Subsection (1) above shall have effect as if the reference to a joint authority included a reference to the London Fire Commissioner.]

[F188(3) No local authority [F189in England][F190, joint authority [F183, economic prosperity board][F191or combined authority]] shall have power to promote a Bill for forming, altering or abolishing executive arrangements F192..., or for altering arrangements for electing an elected mayor.]

Textual Amendments

F178 Words in s. 70 inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 14** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

F179 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 1**

F180 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**

F181 Words in s. 70(1) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(5)(a)**

F182 Words in s. 70(1) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 2**; S.I 2008/917, {art. 2(1)(p)}

F183 Words in s. 70(1)(3) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 11**; S.I. 2009/3318, **art. 2**

F184 Words in s. 70(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(a)**; S.I. 2015/994, art. 6(g)

F185 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F186 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**

F187 S. 70(2) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 36**; S.I. 2018/227, **reg. 4(c)**

F188 S. 70(3) added (E.) (11.7.2001) by S.I. 2001/2237, art. 3 and (W.) (1.4.2002) by S.I. 2002/808, **art. 3**

F189 Words in s. 70(3) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(5)(b)**

F190 Words in s. 70(3) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 2**; S.I 2008/917, {art. 2(1)(p)}

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F191 Words in s. 70(3) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(a)**; S.I. 2015/994, art. 6(g)

F192 Words in s. 70(3) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 36(3)(a), 178(2), **Sch. 4 Pt. B** (with s. 36(5)-(8))

Modifications etc. (not altering text)

C94 S. 70 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*a*)

C95 S. 70 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3**(*a*)

C96 S. 70 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 70 extended (3.7.2000) by 1999 c. 29, **s. 77(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

[F193]71 Modification of seaward boundaries of local government areas.

. . . . . .

Textual Amendments

F193 S. 71 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

72 Accretions from the sea, etc.

(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

[F194](b) . . . . . .

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 [F195]. . . under this section shall be annexed to and incorporated with the district and county in which that parish [F195]. . . is situated.

[F196](2A) . . . . . .

(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.

Textual Amendments

F194 S. 72(1)(b) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

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F195 Words in s. 72(2) repealed (24.10.1994) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 18, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

F196 S. 72(2A) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

73 Alteration of local boundaries consequent on alteration of water-course.

(1) Where, in the exercise of any power **[**[F197]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 **[**[F198] in England**]** 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 **[**[F199]the **[**[F200]Local Government Boundary Commission for England**]]**[F201]... 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.

[[F202](4) For the purposes of this section a preserved county is an area of local government.**]**

Textual Amendments

F197 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).

F198 Words in s. 73(1) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(6)**

F199 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**

F200 Words in s. 73(2) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 3**; S.I. 2009/3318, **art. 4(ff)**

F201 Words in s. 73(2) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F202 S. 73(4) added (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 19** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

74 Change of name of county, district or London borough.

(1) Subject to subsection (5) below, the council of a county **[**[F203], county borough**]**, 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 **[**[F203], county borough**]**, district or borough.

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(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.

[[F204](2A) Where a Welsh principal area which has, by charter or other grant or incorporation order, been granted the status of a county borough, city or royal borough subsequently changes the name of the council 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 [F205]. . .—

(a) shall be sent by the council concerned to **[**[F206]the relevant Minister**]**, to the Director General of the Ordnance Survey and to the Registrar General; and

(b) shall be published in such manner as **[**[F207]the relevant Minister**]** may direct.

[[F208](3A) Where any change of name under this section relates to a Welsh principal area, notice must also be sent to the Local Democracy and Boundary Commission for Wales.**]**

(4) A change of name made in pursuance of this section [F209]. . . shall not affect any rights or obligations of any county **[**[F210], county borough**]**, 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) [F211]. . . . . .

[[F212](6) [F213]. . . . . .

(7) If the name of a Welsh principal area is changed under this section, and there are generally accepted alternative English and Welsh forms of that name, or alternative English and Welsh names, both forms of the new name or (as the case may be) both names shall be published.**]**

[[F214](8) In this section the "relevant Minister" is—

(a) in relation to the change of name of a Welsh principal area, the Welsh Ministers, and

(b) in relation to any other change of name, the Secretary of State.**]**

Textual Amendments

F203 Words in s. 74(1) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 20(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

F204 S. 74(2A) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 20(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

F205 Words in s. 74(3) repealed (3.4.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 20(3), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

F206 Words in s. 74(3)(a) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(7)(a)**

F207 Words in s. 74(3)(b) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(7)(b)**

F208 S. 74(3A) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(7)(c)**

F209 Words in s. 74(4) repealed (3.4.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 20(3), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

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F210 Words in s. 74(4) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 20(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

F211 S. 74(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F212 S. 74(6)(7) added (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 20(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

F213 S. 74(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F214 S. 74(8) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(7)(d)**

Modifications etc. (not altering text)

C97 S. 74: 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**

C98 S. 74(1) applied (with modifications)(1.8.1995) by S.I. 1995/1748, **reg. 7**

75 Change of name of parish.

(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)

C99 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.

(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 **[**[F215]principal area**]** in which the community is situated may change the name of the community.

(2) Notice of any change of name made under this section [F216]. . . —

(a) shall be sent by the **[**[F217]principal**]** council concerned to the **[**[F218]Welsh Ministers, to the Local Democracy and Boundary Commission for Wales,**]** to the Director General of the Ordnance Survey and to the Registrar General; and

(b) shall be published by the **[**[F217]principal**]** 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 [F219]. . . 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.

[[F220](4) If the name of any community is changed under this section, and there are generally accepted alternative English and Welsh forms of that name, or alternative English and Welsh names, both forms of the new name or (as the case may be) both names shall be published.**]**

Textual Amendments

F215 Words in s. 76(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 21(1)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F216 Words in s. 76(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 21(1)(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F217 Word in s. 76(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 21(1)(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F218 Words in s. 76(2)(a) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(8)**

F219 Words in s. 76(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 21(1)(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F220 S. 76(4) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 21(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

[F221]**77** . . . . . .

Textual Amendments

F221 S. 77 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

78 Supplementary.

(1) In this Part of this Act—

[[F222]"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) [F223] . . . . . .**]**

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"local government area" includes the City, the Inner Temple and the Middle Temple;

[F224] . . . . . .

"substantive change" has the meaning assigned to it by **[**[F225]section 54(1)(e)**]** above.

[[F226](2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State, **[**[F227]the Welsh Commission**]** and every **[**[F228]Welsh principal council and**]** district council shall so far as is reasonably practicable comply with the rules set out **[**[F229]in Schedule 11 to this Act**].]**

Textual Amendments

F222 Words in s. 78(1) repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F223 S. 78(1): para. (c) in definition of "electoral arrangements" (which was 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**

F224 S. 78(1): definition of "public body" repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1**, and expressed to be repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), Sch. 6 para. 57, Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

F225 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**

F226 S. 78(2) repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F227 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**

F228 Words in s. 78(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 22** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F229 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**

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

C100 Pt. 5 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C101 Pt. 5 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C102 Pt. 5 (ss. 79-100) applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**
Pt. 5 (ss. 79-100) applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

C103 Pt. 5 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C104 Pt. 5 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C105 Pt. 5 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C106 Pt. 5 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

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C107 Pt. 5 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C108 Pt. 5 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C109 Pt. 5 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

Qualifications and disqualifications

79 Qualifications for election and holding office as member of local authority.

(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 [F230]. . . if he is a **[**[F231]qualifying Commonwealth citizen**]** or a citizen of the Republic of Ireland **[**[F232]or a relevant citizen of the Union**]** and on the relevant day he has attained the age of **[**[F233]eighteen**]** 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—

(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.

[[F234](2A) In this section the expression "citizen of the Union" shall be construed in accordance with **[**[F235]Article 20(1) of the Treaty on the Functioning of the European Union**]**, and "relevant citizen of the Union" means such a citizen who is not a **[**[F236]qualifying**]** Commonwealth citizen or a citizen of the Republic of Ireland.**]**

[F237](3) . . . . . .

[[F238](2B) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—

(a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(2C) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).**]**

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Textual Amendments

F230 Words in s. 79(1) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 5(2)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**

F231 Words in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)

F232 Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)

F233 Word in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 17(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(d)

F234 S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)

F235 Words in s. 79(2A) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

F236 Word in s. 79(2A) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)

F237 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**

F238 S. 79(2B)(2C) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(4)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)

Modifications etc. (not altering text)

C110 S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 79 applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**

C111 S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, 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**

C112 Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C113 Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

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

(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 [F239]. . . if he—

(a) holds any paid office or employment (other than the office of chairman, vice-chairman **[**[F240], deputy chairman, presiding member or deputy presiding member**]**[F240]**[**[F241]or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive**]**) appointments **[**[F242]or elections**]** 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 [F243]. . . joint committee **[**[F244]or National Park authority**]** on which the authority are represented or by any person holding any such office or employment; or

[F245]**[** (aa) holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or**]**

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[[F246](b) is the subject of a bankruptcy restrictions order **[**[F247]or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986**]**;**]**

[F248](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

[[F249](e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee **[**[F250]under **[**[F251]the Audit Commission Act 1998**]]**, and in this paragraph "the relevant council" means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992.**]**

(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 **[**[F252], joint authority **][**[F253]economic prosperity board, combined authority,**]**[F254]... 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.

[[F255](2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—

(a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and

(b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.**]**

[[F256](2AB) A person who is employed by or under the direction of a strategic planning panel is disqualified for being elected or being a member of a local authority which is a constituent local planning authority in relation to that panel (within the meaning of paragraph 3(3) of Schedule 2A to the Planning and Compulsory Purchase Act 2004).**]**

[[F257](2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.**]**

[[F258](3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.**]**

[F259](4) . . . . . .

(5) For the purposes of subsection (1) [F260]. . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the [F260]. . .

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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 [F260]. . . conviction, [F260]. . ..

[F261](6) . . . . . .]

Textual Amendments

F239 Words in s. 80(1) repealed (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 241, 245(2), **Sch. 3 para. 6(2)**, **Sch. 18 Pt. 3**

F240 Words in s. 80(1) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 51(4)**, 75(2)(d)

F241 Words in s. 80(1)(a) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 8**; S.I. 2000/2849, **art. 2(e)**

F242 Words in s. 80(1)(a) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 5(b)** and (W.) (1.4.2002) by S.I. 2002/808, **art. 5(b)**

F243 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**

F244 Words in s. 80(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F245 S. 80(1)(aa) inserted (prosp.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(1), 195(2), **Sch. 11 para. 21**

F246 S. 80(1)(b) substituted (1.4.2004) by Enterprise Act 2002 (c. 40), **ss. 267(1)**, 279; S.I. 2003/2093, **art. 2(2)**, Sch. 2 (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))

F247 Words in s. 80(1)(b) substituted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 5** (with arts. 5, 6)

F248 S. 80(1)(*c*) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

F249 S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, **reg. 7(7)**

F250 S. 80(1)(e): by 2000 c. 22, s. 107(1)(2), 108(3)(b)(c)(i), Sch. 5 para. 8, Sch. 6; S.I. 2002/1718, **art. 2** it is provided that the words "or under the Audit Commission Act 1998" are repealed (27.7.2002 with application as mentioned in art. 1(2) of the commencing S.I.)

F251 Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(1)**

F252 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(1)**

F253 Words in s. 80(2)(b) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 12**; S.I. 2009/3318, **art. 2(c)**

F254 Words in s. 80(2)(b) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(b)**; S.I. 2015/994, art. 6(g)

F255 S. 80(2AA) inserted (8.5.2000) by 1999 c. 29, **s. 69** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

F256 S. 80(2AB) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 1 para. 3**; S.I. 2021/7, art. 2(b)

F257 S. 80(2A)(2B) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F258 S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, **regs. 1**, 9

F259 S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**

F260 Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

F261 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)

C112 Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

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C113 Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
C114 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**
S. 80 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**
C115 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**
C116 S. 80 excluded (E.) (11.7.2001) by S.I. 2001/2237, **art. 47(7)**
S. 80 excluded (W.) (1.4.2002) by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), **art. 41(7)**
C117 S. 80 applied by 1959 c. xlvi s. 11(2) (as substituted (15.1.2014) by Humber Bridge Act 2013 (c. vi), s. 1(1), **Sch. 1 para. 1**)
C118 S. 80(1)(*a*) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*b*)
C119 S. 80(1)(*a*) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3**(*b*)
C120 S. 80(1)(b)(d)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**
C121 S. 80(2)(*b*) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*b*)
C122 S. 80(2)(*b*) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(b)**

81 Exceptions to provisions of section 80.

(1) [F262] . . . . . .

(2) **[**[F263]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 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.**]**

[F264](3) . . . . . .

[F265](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, [F266]. . . 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

[F267](b) . . . . . .

Textual Amendments

F262 S. 81(1) repealed (1.4.2004) by Enterprise Act 2002 (c. 40), ss. 267(2), 278, 279, **Sch. 26**; S.I. 2003/2093, **art. 2(2)**, Sch. 2 (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
F263 It is provided that s. 81(2) is repealed by virtue of Enterprise Act 2002 (c. 40), ss. 267(2), 278, 279, **Sch. 26**; the repeals purportedly relating to sections 81(1) and 82(2) coming into force on 1.4.2004 by virtue of S.I. 2003/2093 {art. 2(2)}, Sch. 2 (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
F264 S. 81(3) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
F265 S. 81(3A) repealed by London Regional Transport Act 1984 (c. 32, SIF 126),s. 71(3)(*b*), Sch. 7

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F266 Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

F267 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)

C112 Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C113 Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C123 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**

C124 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**

C125 S. 81(1)(2) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**

82 Validity of acts done by unqualified persons.

[[F268](1)**]** The acts and proceedings of any person elected to an office under this Act **[**[F269]or elected or appointed to an office under Part [F270]. . . IV of the Local Government Act 1985**][**[F271]or elected as elected mayor or executive leader**]** and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[[F272](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

F268 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)**

F269 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 4**

F270 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F271 Words in s. 82(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 6 and (W.) (1.4.2002) by S.I. 2002/808, **art. 6**

F272 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)

C112 Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C113 Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C126 S. 82 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**

C127 S. 82 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**

C128 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**

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C129 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**

C130 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)**

C131 S. 82(1) 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**

Acceptance, resignation and vacation of office, and casual vacancies

83 Declaration of acceptance of office.

(1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, **[**[F273]presiding member, deputy presiding member,**]**[F274]. . . councillor **[**[F275]or elected mayor**]** of the council of a county **[**[F276], county borough**]**, district or London borough [F277]. . . shall not, unless he has made a declaration of acceptance of office in a form prescribed by **[**[F278]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

[[F279](aa) an elected mayor 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 **[**[F280]Senior Courts**]**.

[F281](3A) . . . . . .

(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

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

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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 **[**[F278]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

F273 Words in s. 83(1) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 51(5)**, 75(2)(d)

F274 Words repealed by S.I. 1977/1710, **art. 3**(*c*)

F275 Words in s. 83(1) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 9(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F276 Words in s. 83(1) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 23** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

F277 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F278 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **s. 30(2)**

F279 S. 83(3)(aa) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 9(1)(3)**; S.I. 2000/2849, **art. 2(e)**

F280 Words in s. 83(3)(d) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4(1)(2)(3)**; S.I. 2009/1604, **art. 2**

F281 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)

C132 S. 83 modified (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(10)**

C133 S. 83 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 31(7)**

C134 S. 83 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 84(2)**(*b*), 86(9)
S. 83 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(b)**

C135 S. 83(1)-(3) modified (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **20(15)(16)**

84 Resignation.

[[F282](1)**]** A person elected to any office under this Act **[**[F283]or elected as an elected mayor**]**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.

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[[F284](2) A person elected or appointed to an office under Part [F285]. . . 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

F282 S. 84 renumbered as s. 84(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 6**

F283 Words in s. 84(1) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 10(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F284 S. 84(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 6**

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)

C136 S. 84 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
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**

C137 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**

C138 S. 84 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C139 S. 84 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C140 S. 84(2) amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**

C141 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.

(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.

[[F286](2A) Subject to subsections (2B) and (3), if a member of a local authority which are operating executive arrangements, who is also a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

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(2B) For the purposes of this section—

(a) the discharge by a member, acting alone, of any function which is the responsibility of the executive; and

(b) in respect of a mayor and cabinet executive or leader and cabinet executive, attendance as a member at a meeting of a committee of the executive,

shall each be deemed to be attendance at a meeting of the executive.**]**

(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 **[**[F287]or of a failure to attend meetings of the executive**]** if the failure is due to that employment.

[[F288](3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, [F289]**[**[F290]... 73, 78 [F289]...**]** or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) **[**[F291]or (2A)**]** above (and, accordingly, a period during which a member fails to attend meetings of the authority **[**[F292]or, as the case may be, meetings of the executive**]** that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).**]**

[[F293](3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).

(3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.

(3D) The following two periods are to be treated as consecutive—

(a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and

(b) the period that falls immediately after the period described in subsection (3C).**]**

[[F294](4) In this section "local authority" includes a joint authority **[**[F295], an economic prosperity board**]****[**[F296]and a combined authority**]**[F297]. . .**]**

Textual Amendments

F286 S. 85(2A)(2B) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(a) and (W.) (1.4.2002) by S.I. 2002/808, **art. 7(a)**

F287 Words in s. 85(3) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(b) and (W.) (1.4.2002) by S.I. 2002/808, **art. 7(b)**

F288 S. 85(3A) inserted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in W. and otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 9**; S.I. 2000/3335, **art. 2**

F289 Words in s. 85(3A) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

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F290 Words in s. 85(3A) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 201(4)(a)**, 245; S.I. 2008/172, **art. 4(l)**

F291 Words in s. 85(3A) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(c)(i) and (W.) (1.4.2002) by S.I. 2002/808, **art. 7(c)(i)**

F292 Words in s. 85(3A) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(c)(ii) and (W.) (1.4.2002) by S.I. 2002/808, **art. 7(c)(ii)**

F293 S. 85(3B)-(3D) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 31(2)**, 178(3); S.I. 2012/1187, art. 2(1)(c)

F294 S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 7**

F295 Words in s. 85(4) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 13**; S.I. 2009/3318, **art. 2(c)**

F296 Words in s. 85(4) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(c)**; S.I. 2015/994, art. 6(g)

F297 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)

C142 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**
S. 85 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 85 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 85 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 13**
S. 85 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 13**

C143 S. 85: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 85: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

C144 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)

C145 S. 85 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C146 S. 85 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C147 S. 85(1) applied by 1959 c. xlvi s. 11(2) (as substituted (15.1.2014) by Humber Bridge Act 2013 (c. vi), s. 1(1), **Sch. 1 para. 1**)

C148 S. 85(1)(2)(3) applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C149 S. 85(1)(2)(3) applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C150 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.

[[F298](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 **[**[F299]under section 79 of the Local Government Act 2000 or section 34 of the Localism Act 2011 or by virtue of**]**, a conviction or a breach of any provision of Part II of the [M5]**[**[F300]Representation of thePeople Act 1983**]**; or

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(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.

[[F301](2) In this section "local authority" includes a joint authority **[**[F302], an economic prosperity board**][**[F303]and a combined authority**]**[F304] . . .**]**

Textual Amendments

F298 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**

F299 Words in s. 86(1)(b) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 5**; S.I. 2015/841, art. 3(x)

F300 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), **Sch. 8 para. 12**

F301 S. 86(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 8**

F302 Words in s. 86(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 14**; S.I. 2009/3318, **art. 2(c)**

F303 Words in s. 86(2) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(d)**; S.I. 2015/994, art. 6(g)

F304 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)

C151 S. 86: 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**

C152 S. 86 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), arts. 1(2), **11**

C153 S. 86(1)(b) amended by: Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), **s. 10(2)**; Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, 92(7); and Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 191(5)**, 231(7), 235(6)

C154 S. 86(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(d)**

C155 S. 86(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(d)**

Marginal Citations

M5 1983 c. 2.(**42**).

87 Date of casual vacancies.

(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 **[**[F305]by virtue of a**]** conviction, on the expiration of the ordinary period allowed for making an appeal or application with

respect to the [F306]... 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;

[[F307](ee) in the case of a disqualification under section [F308]... 79 of the Local Government Act 2000 **[**[F309]or section 34 of the Localism Act 2011 or**]**, on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant decision **[**[F310]or order **]** under that section 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;**]**

(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 **[**[F311](ee)**]** 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

[F312](g) . . . . . .

(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.

[F313](3) . . . . . .

Textual Amendments

F305 Words in s. 87(1)(d) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 6(a)**; S.I. 2015/841, art. 3(x)

F306 Words in s. 87(1)(d) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 6(b)**; S.I. 2015/841, art. 3(x)

F307 S. 87(1)(ee) inserted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in Wales otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 11(a)**; S.I. 2000/3335, **art. 2**

F308 Words in s. 87(1)(ee) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

F309 Words in s. 87(1)(ee) inserted (1.7.2012) by Localism Act 2011 (c. 20), **ss. 34(11)(a)**, 240(2); S.I. 2012/1463, art. 5(c) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

F310 Words in s. 87(1)(ee) inserted (1.7.2012) by Localism Act 2011 (c. 20), **ss. 34(11)(b)**, 240(2); S.I. 2012/1463, art. 5(c) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)

F311 Words in s. 87(1)(f) substituted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in Wales otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 11(b)**; S.I. 2000/3335, **art. 2**

F312 S. 87(1)(*g*) repealed by S.I. 1977/1710, **art. 3**(*c*)

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F313 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**

Modifications etc. (not altering text)

C156 S. 87: 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**

C157 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.

(1) On a casual vacancy occurring in the office of chairman of any council [F314]. . ., 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) [F315]. . . , a meeting of the council for the election may be convened by the proper officer of the authority.

[F316](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

F314 Words repealed by S.I. 1977/1710, **art. 3**(*c*)

F315 Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

F316 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)

C158 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**

C159 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**.

C160 S. 88(1)(2) applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C161 S. 88(1)(2) applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

89 Filling of casual vacancies in case of councillors.

(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—

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(a) in a case in which the High Court or the council have declared the office to be vacant, within **[**[F317]thirty-five days**]** (computed in accordance with section 243(4) below) from the date of the declaration;

(b) in any other case, within **[**[F317]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 [F318]. . .

(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.

[F319](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.

(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.

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(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 **[**[F320]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

F317 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)

F318 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F319 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**

F320 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 13**

Modifications etc. (not altering text)

C162 S. 89 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 84(2)**(*b*), 86(9)

C163 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)**
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)**

C164 S. 89 excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), **art. 12(2)**

C165 S. 89 excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), **art. 12(2)**

C166 S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 5(3)**

C167 S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 12(2)**

C168 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 5(3)**

C169 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 12(2)**

C170 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 23(2)**

C171 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 24(2)**

C172 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)**

C173 S. 89 excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **5(3)**
C174 S. 89 excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **6(3)**
C175 S. 89 excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **4(3)**
C176 S. 89 excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **9(3)**
C177 S. 89 excluded (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **8(3)**
C178 S. 89 excluded (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **4(3)**
C179 S. 89 excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **19(2)**
C180 S. 89 excluded (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **5(3)**
C181 S. 89(1) excluded (29.8.2008) by The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 (S.I. 2008/2113), **reg. 13**
C182 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**
C183 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)**
C184 S. 89(3) modified (E.) (7.9.2013) by The Local Elections (Ordinary Day of Elections in 2014) Order 2013 (S.I. 2013/2277), arts. 1(1), **4(a)**

90 Term of office of persons filling casual vacancies.

A person elected or appointed under the foregoing provisions of this Act in England or Wales **[**[F321]or under Part [F322]. . . IV of the Local Government Act 1985**]** to fill any casual vacancy [F323]. . . shall hold office until the date upon which the person in whose place he is elected **[**[F321]or appointed**]** would regularly have retired, and he shall then retire.

Textual Amendments

F321 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 11**
F322 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), **Sch. 13 Pt. I**
F323 Words in s. 90 repealed (22.4.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Modifications etc. (not altering text)

C185 S. 90 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
C186 S. 90 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**

91 Temporary appointment of members of parish and community councils.

(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 **[**[F324]or Welsh principal council**]** may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

Status: *Point in time view as at 04/04/2020.*
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(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.

Textual Amendments

F324 Words in s. 91(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 24** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C187 S. 91: 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**

Proceedings for disqualification

92 Proceedings for disqualification.

(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 **[**[F325]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

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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.

(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—

(a) if he is not qualified to be, or is disqualified for being, a member of the authority; or

(b) 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.

[[F326](7) In this section "local authority" includes a joint authority **[**[F327], an economic prosperity board and a combined authority**]**[F328]. . .; and in relation to a joint authority **[**[F329], an economic prosperity board or a combined 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.**]**

[F330](7A) . . . . . .

[F330](7B) . . . . . .

[[F331](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

F325 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F326 S. 92(7) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 12**

F327 Words in s. 92(7) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 15(a)**; S.I. 2009/3318, **art. 2(c)**

F328 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F329 Words in s. 92(7) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 15(b)**; S.I. 2009/3318, **art. 2(c)**

F330 S. 92(7A)(7B) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(e)**; S.I. 2015/994, art. 6(g)

F331 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)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C188 S. 92 applied in part (25.7.2008) by The West Northamptonshire Joint Committee Order 2008 (S.I. 2008/1572), **art. 6(2)**

C189 S. 92 applied (in part) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), **art. 6(2)**

C190 S. 92 applied by Water Resources Act 1991 (c. 57, SIF 130), ss. 14, 225(2), **Sch. 4**, Pt. I, para. 3(6).

C191 S. 92 extended by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 3(9), **Sch. 1 para. 8(5)**

C192 S. 92 applied by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 9(5)**

C193 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)**

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**

C194 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**

C195 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)**

C196 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)**

C197 S. 92 applied in part (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), **art. 6(2)**

C198 S. 92 applied in part (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), **art. 6(2)**

C199 S. 92 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C200 S. 92 applied in part (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), arts. 1, **6(2)**

C201 S. 92 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C202 S. 92(7) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*e*)

C203 S. 92(7) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(e)**

Restrictions on voting

[F332]93 . . . . . .

Textual Amendments

F332 S. 93 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

F333 94 Disability of members of authorities for voting on account of interest in contracts, etc.

. . . . . .

Textual Amendments

F333 Ss. 94-98 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 12, **Sch. 6**; S.I. 2012/1358, art. 2

F333 95 Pecuniary interests for purposes of section 94.

. . . . . .

Textual Amendments

F333 Ss. 94-98 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 12, **Sch. 6**; S.I. 2012/1358, art. 2

F333 96 General notices and recording of disclosures for purposes of section 94.

. . . . . .

Textual Amendments

F333 Ss. 94-98 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 12, **Sch. 6**; S.I. 2012/1358, art. 2

F333 97 Removal or exclusion of disability, etc.

. . . . . .

Textual Amendments

F333 Ss. 94-98 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 12, **Sch. 6**; S.I. 2012/1358, art. 2

F333 98 Interpretation of sections 95 and 97.

. . . . . .

Textual Amendments

F333 Ss. 94-98 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 12, **Sch. 6**; S.I. 2012/1358, art. 2

Status: *Point in time view as at 04/04/2020.*
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Meetings and proceedings

99 Meetings and proceedings of local authorities.

The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities [F334, joint authorities, [F335economic prosperity boards, combined authorities,]F336.... . . F337. . .] and their committees, parish meetings and their committees and community meetings.

Textual Amendments

F334 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 14**

F335 Words in s. 99 inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 17**; S.I. 2009/3318, **art. 2(c)**

F336 Words in s. 99 omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 103**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 26)

F337 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)

C204 S. 99 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(g)**

C205 S. 99 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(g)**

C206 S. 99 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

S. 99: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

C207 S. 99 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

S. 99: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. Sch.1**

S. 99 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

S. 99 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. 99 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)**

S. 99 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)**

S. 99: 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)(ii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

C208 S. 99 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**

C209 S. 99 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C210 S. 99 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C211 S. 99 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C212 S. 99 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C213 S. 99 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C214 S. 99 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

100 Admission of public and press to local authority committee meetings.

(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 [M6]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 [F338]. . . 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 **[**[F339]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

F338 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

F339 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)

C215 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**.

C216 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)

C217 S. 100 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C218 S. 100 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

Marginal Citations

M6 1960 c. 67.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F340 PART VA

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

Textual Amendments

F340 Pt. 5A (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)

C219 Pt. 5A power to apply (with modifications) conferred by 2000 c. 22, s. 9GA(7) (as inserted (3.12.2011 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e))

C220 Pt. 5A applied in part (with modifications) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), **reg. 8**

C221 Pt. 5A modified by 2000 c. 22, s. 9FA(6)(a) (as inserted (3.12.2011 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e))

C222 Pt. 5A applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C223 Pt. 5A applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C224 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**

C225 Pt. 5A (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. 5A (ss. 100A-100K) modified (11.9.1998) by 1998 c. 18, **ss. 10(6)**, 55(2)
Pt. 5A (ss. 100A-100K) modified (E.) (2.4.2001) by S.I. 2001/1299, **reg. 6(10)(a)**
Pt. 5A (ss. 100A-100K) modified (W.) (28.7.2001) by S.I. 2001/2284, **reg. 5(1)(a)**
Pt. 5A (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

C226 Pt. 5A (ss. 100A-100K) extended (6.3.1992) by Local Government Finance Act 1992 (c. 14), **s. 67(4)**
Pt. 5A (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. 5A (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)**

C227 Pt. 5A (ss. 100A-100K) applied (12.4.1994) by S.I. 1994/867, **reg. 11(6)**
Pt. 5A (ss. 100A-100K) applied (with modifications) (28.6.1995) by 1995 c. iii, s. 26, **Sch. 1**
Pt. 5A (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. 5A 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. 5A 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. 5A (ss. 100A-100K) applied (W.) (28.7.2001) by S.I. 2001/2284, **reg. 19(8)**
Pt. 5A (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)**

C228 Pt. 5A (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. 5A (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**

Pt. 5A (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. 5A (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. 5A (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**

C229 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)**)

C230 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))

C231 Pt. 5A (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)**)

C232 Pt. 5A modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 9(1)**

Pt. 5A modified (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 16(8)**

C233 Pt. 5A: power to apply conferred (25.11.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 71(9)**, 148(5); S.I. 2009/3087, **art. 2(b)**

C234 Pt. 5A applied in part (with modifications) (1.4.2010) by The Town and Country Planning (Regional Strategy) (England) Regulations 2010 (S.I. 2010/601), regs. 1(1), **6**

C235 Pt. 5A modified (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 14(8), 178(3);**S.I. 2012/1187, art. 2(1)(b)

C236 Pt. 5A modified (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 83(7), 178(3);**S.I. 2012/1187, art. 2(1)(j)

C237 Pt. 5A applied (with modifications) (7.6.2012) by Localism Act 2011 (c. 20), ss. 35(8), 240(2); S.I. 2012/1463, art. 2(f)

C238 Pt. 5A applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pts. 1-3**

C239 Pt. 5A modified (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 7 para. 9(6)**(7)**; S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

C240 Pt. 5A applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C241 Pt. 5A applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C242 Pt. 5A applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C243 Pt. 5A applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C244 Pt. 5A applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C245 Pt. 5A excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **66(9)**

C246 Pt. 5A applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C247 Pt. 5A applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

C248 Pt. 5A modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), **regs. 1**, 15 (with reg. 2(4))

Status: *Point in time view as at 04/04/2020.*
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[F341 100A Admission to meetings of principal councils. E

(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,

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.

F342 (5A) [Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.]

(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 [F343 five 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) [F344 subject to subsection (7D),] 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

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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) **[**[F345]Subject to subsection (7A)**]** 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.

[F346]**[** (7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

(7B) Subsection (7A) does not require a principal council in England to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting.**]**

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

[F347]**[** (9) In this section "reporting" means—

(a) filming, photographing or making an audio recording of proceedings at a meeting,

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.**]]**

Extent Information

E3 This version of this provision extends to England only; a separate version has been created for Wales only

Textual Amendments

F341 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F342 S. 100A(5A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(2)**

F343 Words in s. 110A(6)(a) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **2**

F344 Words in s. 100A(6)(c) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(3)**

Status: *Point in time view as at 04/04/2020.*
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F345 Words in s. 100A(7) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(4)**

F346 S. 100A(7A)-(7F) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(5)**

F347 S. 100A(9) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(6)**

Modifications etc. (not altering text)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C250 S. 100A applied in part (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(a)**

C251 S. 100A applied in part (13.5.2007) The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(a)**

C252 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)**

C253 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

C254 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)**

C255 S. 100A applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(a)**

C256 S. 100A applied in part (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(a)**

C257 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)

C258 Pt. 5A modified (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 14(8), 178(3);**S.I. 2012/1187, art. 2(1)(b)

C259 S. 100A applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3)) (as amended (W.) (1.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(3)(a)

C260 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))

[F341 100A Admission to meetings of principal councils. 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

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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,

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.

F342 **[** (5A) Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.**]**

(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) **[**F344subject to subsection (7D),**]** 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) **[**F345Subject to subsection (7A)**]** 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.

F346 **[** (7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

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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 09 September 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)*

(7B) Subsection (7A) does not require a principal council in England to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting.**]**

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

F347(9) **[** In this section "reporting" means—

(a) filming, photographing or making an audio recording of proceedings at a meeting,

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.**]]**

Extent Information

E6 This version of this provision extends to Wales only; a separate version has been created for England only

Textual Amendments

F341 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F342 S. 100A(5A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(2)**

F344 Words in s. 100A(6)(c) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(3)**

F345 Words in s. 100A(7) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(4)**

F346 S. 100A(7A)-(7F) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(5)**

F347 S. 100A(9) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(6)**

Modifications etc. (not altering text)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C250 S. 100A applied in part (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(a)**

C252 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)**

C253 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

C255 S. 100A applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(a)**

C256 S. 100A applied in part (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(a)**

C257 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)

C259 S. 100A applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3)) (as amended (W.) (1.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(3)(a)

C260 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))

[F348 100B Access to agenda and connected reports. E

(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.

(3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least **[**F349 five 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 **[**F350 five clear days**]** before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

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(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.**]**

Extent Information

E4 This version of this provision extends to England only; a separate version has been created for Wales only

Textual Amendments

F348 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F349 Words in s. 100B(3) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **3(a)**

F350 Words in s. 100B(4)(a) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **3(b)**

Modifications etc. (not altering text)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C261 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)**

C262 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

Status: *Point in time view as at 04/04/2020.*
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C263 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)**

C264 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)

C265 S. 100B applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(3)** (with reg. 1(3))

C266 S. 100B(2) restricted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 24(5)(6)**, 73; S.I. 2005/558, **art. 2(1)**, Sch. 1

[F348 100B Access to agenda and connected reports. 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.

(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

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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.**]**

Extent Information

E7 This version of this provision extends to Wales only; a separate version has been created for England only

Textual Amendments

F348 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)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C261 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)**

C262 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

C264 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)

C265 S. 100B applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(3)** (with reg. 1(3))

C266 S. 100B(2) restricted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 24(5)(6)**, 73; S.I. 2005/558, **art. 2(1)**, Sch. 1

[F351 100C Inspection of minutes and other documents after meetings.

(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

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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

F351 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)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C267 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)**

C268 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

C269 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)**

C270 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)

[F352 100D Inspection of background papers.

[F353(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—

(a) those copies shall each include a copy 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 inspection at the offices of the council.**]**

(2) Subsection (1) above does not require a copy F354. . . 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—

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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

F352 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F353 S. 100D(1) substituted (1.10.2000 for E., 28.7.2001 for W.) by 2000 c. 22, **ss. 97(1)**, 108(4); S.I. 2000/2187, **art. 3**

F354 Words in s. 100D(2) repealed (1.10.2000 for E., 28.7.2001 for W.) by 2000 c. 22, ss. 97(2), 107(2), 108(4), **Sch. 6**; S.I. 2000/2187, **art. 3**

Modifications etc. (not altering text)

C249 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C271 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)**

C272 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. 100D applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27
(as amended (W.) (1.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(2)(f) (with **regs. 10**, 11))

C273 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)**

C274 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)

[F355 100E Application to committees and sub-committees.

(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.

F356 **[** But in section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to a committee (1A) which is appointed or established jointly by one or more principal councils in England and one or more principal councils in Wales, or a sub-committee of such a committee.**]**

(2) In the application by virtue of this section of sections 100A to 100D above in relation to a committee or sub-committee—

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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-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

[[F357](bba) a committee in place by virtue of section 107D(3)(c)(ii) of the Local Democracy, Economic Development and Construction Act 2009;

(bbb) a joint committee in place by virtue of section 107E of that Act;**]**

[[F358](bb) the Navigation Committee of the Broads Authority; or**]**

(c) a sub-committee appointed or established under any enactment by one or more committees falling within **[**[F359]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

F355 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F356 S. 100E(1A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(7)**

F357 S. 100E(3)(bba)(bbb) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 2**

F358 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)

F359 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)

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F360 100EA Inspection of records relating to functions exercisable by members

(1) The [F361 appropriate authority] 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 [F362 or under section 56 of the Local Government (Wales) Measure 2011], to be made and provided to the authority by the member.

(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.

F363 [(2A) In this section "appropriate authority" means—

(a) in relation to local authorities in England, the Secretary of State;

(b) in relation to local authorities in Wales, the Welsh Ministers.

(c) in subsection (3), after "Parliament" insert " (in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers) ".]

(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

F360 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)**

F361 Words in s. 100EA(1) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(a)(i)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

F362 Words in s. 100EA(1) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(a)(ii)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

F363 S. 100EA(2A) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

[F364 100FA Additional rights of access to documents for members of principal councils. E

(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 [F365 subsections (2) to (2C)] below, be open to inspection by any member of the council.

[F366 (2) In relation to a principal council in England, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information.]

F367 [(2A) But subsection (1) above does require (despite subsection (2) above) the document to be open to inspection if the information is information of a description for the time being falling within—

(a) paragraph 3 of Schedule 12A to this Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or

(b) paragraph 6 of Schedule 12A to this Act.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(2B) In subsection (2A) above, "the authority" has the meaning given in paragraph 11(2) of Schedule 12A to this Act.

(2C) In relation to a principal council in Wales, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information of a description falling within any of paragraphs 12 to 18, 21, 23, 24 and 26 of Schedule 12A to this Act.**]**

(3) **[**[F368]The appropriate person**]** may by order amend **[**[F369]subsections (2) to (2C)**]** above—

(a) by adding to the descriptions of exempt information to which **[**[F370]those subsections refer**]** for the time being; or

(b) by removing any description of exempt information to which **[**[F371]those subsections refer**]** for the time being.

[F372](3A) **[** In subsection (3) above "the appropriate person" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales.**]**

(4) Any statutory instrument containing an order under subsection (3) **[**[F373]made by the Secretary of State**]** 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.**]**

Extent Information

E5 This version of this provision extends to England only; a separate version has been created for Wales only

Textual Amendments

F364 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F365 Words in s. 100F(1) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(2)**

F366 S. 100F(2) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(3)**

F367 S. 100F(2A)(2B)(2C) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(4)**

F368 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(a)**

F369 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(b)**

F370 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(c)**

F371 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(d)**

F372 S. 100F(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(6)**

F373 Words in s. 100F(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(7)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)
C275 S. 100F applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

[F364 100F Additional rights of access to documents for members of principal councils. 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 **[**F1427 subsections (2) to (2E)**]**) below, be open to inspection by any member of the council.

[F366 (2) In relation to a principal council in England, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information.**]**

F367 **[** (2A) But subsection (1) above does require (despite subsection (2) above) the document to be open to inspection if the information is information of a description for the time being falling within—

(a) paragraph 3 of Schedule 12A to this Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or

(b) paragraph 6 of Schedule 12A to this Act.

(2B) In subsection (2A) above, "the authority" has the meaning given in paragraph 11(2) of Schedule 12A to this Act.

[F1428 (2C) In relation to a principal council in Wales, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information.**]**

F1429 **[** (2D) But subsection (1) above does require (despite subsection (2C) above) the document to be open to inspection if the information is information of a description for the time being falling within —

(a) paragraph 14 of Schedule 12A to this Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or

(b) paragraph 17 of Schedule 12A to this Act.

(2E) In subsection (2D) above, "the authority" has the meaning given in paragraph 22(2) of Schedule 12A to this Act.**]**

(3) **[**F368 The appropriate person**]** may by order amend **[**F1430 subsections (2) to (2E)**]** above—

(a) by adding to the descriptions of exempt information to which **[**F370 those subsections refer**]** for the time being; or

(b) by removing any description of exempt information to which **[**F371 those subsections refer**]** for the time being.

F372 **[** (3A) In subsection (3) above "the appropriate person" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(4) Any statutory instrument containing an order under subsection (3) **[**[F373]made by the Secretary of State**]** 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.**]]**

Extent Information

E8 This version of this provision extends to Wales only; a separate version has been created for England only

Textual Amendments

F364 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F366 S. 100F(2) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(3)**

F367 S. 100F(2A)(2B)(2C) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(4)**

F368 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(a)**

F370 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(c)**

F371 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(d)**

F372 S. 100F(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(6)**

F373 Words in s. 100F(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(7)**

F1427 Words in s. 100F(1) substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(2)**

F1428 S. 100F(2C) substituted (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(3)**

F1429 S. 100F(2D)(2E) inserted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(4)**

F1430 Words in s. 100F(3) substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(5)**

Modifications etc. (not altering text)

C275 S. 100F applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

[[F374]**100G Principal councils to publish additional information.**

(1) A principal council shall maintain a register stating—

(a) the name and address of every member of the council for the time being **[**[F375]together with, in the case of a councillor,**]** the ward or division which he represents; and

(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—

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(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

F374 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F375 Words in s. 100G(1)(a) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 7(2)**

Modifications etc. (not altering text)

C276 S. 100G applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

[F376 100H Supplemental provisions and offences.

(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.

(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

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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) **[**[F377], 100C(1) or 100EA(2)**]** 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

F376 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F377 Words in s. 100H(4) substituted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 237(2)**, 245; S.I. 2008/3110, **art. 2(i)**

Modifications etc. (not altering text)

C277 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

C278 S. 100H amended by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(a)**

C279 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 Commision for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(3)**

C280 S. 100H(2)(b) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s.1(4)(b)**

C281 S. 100H(3) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(c)**

C282 S. 100H(5) applied by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(d)**

[F378 100I Exempt information and power to vary Schedule 12A.

(1) [F379 In relation to principal councils in England,] 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 [F380 interpretation of Parts 1 to 3 of that Schedule].

F381 (1A) [In relation to principal councils in Wales, the descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part 4 of Schedule 12A to this Act, but subject to any qualifications contained in Part 5 of that Schedule; and Part 6 has effect for the interpretation of Parts 4 to 6 of that Schedule.]

(2) [F382 The appropriate person] 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) [F382 The appropriate person] 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.

F383 (3A) [In this section "the appropriate person" means—
(a) in relation to England, the Secretary of State;
(b) in relation to Wales, the National Assembly for Wales.]

(4) Any statutory instrument containing an order under this section [F384 made by the Secretary of State] shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F378 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F379 Words in s. 100I(1) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(2)**

F380 Words in s. 100I(1) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(2)**

F381 S. 100I(1A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(3)**

F382 Words in s. 100I(2)(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(4)**

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F383 S. 100I(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(5)**

F384 Words in s. 100I(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(6)**

Modifications etc. (not altering text)

C283 S. 100I applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(b)**

C284 S. 100I applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C286 S. 100I(1) applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(b)**

C287 S. 100I(1) applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(b)**

C288 S. 100I(1) applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(b)**

C289 S. 100I(1) applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3))

C290 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)**

[F385 100J Application to new authorities, Common Council, etc.

(1) Except in this section, [F386 and subject as follows,] any reference in this Part to a principal council includes a reference to—

F387 (a) . . . . . .

(b) a joint authority;

F388 (ba) . . . . . .

F389 (bb) . . . . . .

[F390 (bc) an economic prosperity board;

(bd) a combined authority;]

[F391 (be) Transport for London;]

[F392 (bf) a sub-national transport body;]

(c) the Common Council;

[F393 (cc) The Broads Authority;]

[F394 (cd) a National Park authority;]

(d) a joint board or joint committee falling within subsection (2) below;

F395 (e) . . . . . .

F396 (eza) . . . . . .

F397 (ea) . . . . . .

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[[F398](f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.**]**

[[F399](g) the Homes and Communities Agency so far as it is exercising functions conferred on it in relation to a designated area by virtue of a designation order.**]**

[[F400](h) a Mayoral development corporation.**]**

(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*)[F401][F402...][F403], (bc), (bd)**]** or (*c*) of subsection (1) above shall be treated as a principal council.

[In its application by virtue of subsection (1)(g) above in relation to the Homes and [F404](2A) Communities Agency, a reference in this Part to the offices of the council (however expressed)—

(a) is to be treated as a reference to such premises located within the designated area as the Homes and Communities Agency considers appropriate, and

(b) in the application of section 100A(6)(a) above to a case where the meeting is to be held at premises other than those mentioned in paragraph (a) above, includes a reference to those other premises.**]**

[In section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to—

[F405](2B)[F406](a) . . . . . .

(b) the Common Council other than in its capacity as a local authority or police authority;

(c) a joint board or a joint committee falling within subsection (2) above;

(d) the Homes and Communities Agency; or

(e) a Mayoral development corporation.**]**

(3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph [F407]. . . , (*b*), [F408]... [F409]...**[**[F410](bc), (bd),**][**[F411](be),**][**[F412](bf),**][**[F413](cc)**]**, **[**[F414](cd)**]** , (*d*)[F415]... . . . **[**[F416], (f) or (h)**]** 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 ".**]**

[[F417](3YA) In its application by virtue of subsection (1)(be) above in relation to Transport for London, section 100E(3) has effect as if for paragraph (bb) there were substituted—

"(bb) a committee of Transport for London (with "committee", in relation to Transport for London, here having the same meaning as in Schedule 10 to the Greater London Authority Act 1999); or"**]**

[[F418](3ZA) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100E above shall have effect as if—

(a) in subsection (2), paragraph (c) was omitted, and

(b) in subsection (3), for paragraphs (a) to (c) there were substituted—

"(a) a committee established under paragraph 6(1) of Schedule 1 to the Housing and Regeneration Act 2008 for the purpose of exercising functions conferred on the Homes and

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Communities Agency in relation to a designated area by virtue of a designation order; or

(b) a sub-committee of such a committee established under paragraph 6(2) of that Schedule to that Act for that purpose."

[In its application by virtue of subsection (1)(h) above in relation to a Mayoral [F419](3ZAA) development corporation, section 100E(3) has effect as if for paragraphs (a) to (c) there were substituted—

"(a) a committee which is established under Schedule 21 to the Localism Act 2011 by a principal council, or

(b) a sub-committee established under that Schedule by a committee within paragraph (a)."**]**

(3ZB) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100G(1) above shall have effect as if paragraph (a) was omitted.**]**

[F420](3A) . . . . . .

(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 [F421]... **[**[F422], **[**[F423]a sub-national transport body,**]** an economic prosperity board, **[**[F424]or **]**a combined authority**]**[F425]... **[**[F426]. . . , with the substitution for the words **[**[F427]after "together with"**]** of the words "**[**[F428]the**]** name or description of the body **[**[F429]or other person that**]** appointed him "; and

[[F430](aa) in relation to the Broads Authority or its Navigation Committee **[**[F431]or any National Park authority**]**, with the substitution for the words **[**[F432] after "together with"**]** of the words "**[**[F433]the**]** name of the **[**[F434]person who**]** appointed him "; and**]**

(b) in relation to **[**[F435]a Mayoral development corporation, or**]** joint board or joint committee falling within subsection (2) above, with the omission of the words **[**[F436] after "for the time being"**]**; and

(c) in relation to a **[**[F437]fire and rescue authority falling within subsection (1)(f) above**]**, with the substitution for the words **[**[F438], in the case of a councillor, the**]**"ward or division" of the words " **[**[F439]the**]**constituent area ".

[F440](4A) . . . . . .

[In its application by virtue of subsection (1)(be) above in relation to Transport for [F441](4AA) London, section 100G shall have effect—

(a) with the substitution for subsection (1)(a) and (b) of—

"(a) the name of every member of the council for the time being; and

(b) the name of every member of each committee or sub-committee of the council for the time being.", and

(b) with the insertion in subsection (2)(b) after "exercisable" of ", but not an officer by whom such a power is exercisable at least partly as a result of sub-delegation by any officer".**]**

[In this section "designated area" and "designation order" have the same meanings as [F442](4B) in Part 1 of the Housing and Regeneration Act 2008.**]**

[F443](5) . . . . . .**]**

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Textual Amendments

F385 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F386 Words in s. 100J(1) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(8)(a)**

F387 Words repealed by Education Reform Act 1988 (c. 40 SIF 41:1),ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F388 S. 100J(1)(ba) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(f)(i)**; S.I. 2015/994, art. 6(g)

F389 S. 100J(1)(bb) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(2)**; S.I. 2018/227, **reg. 4(c)**

F390 S. 100J(1)(bc)(bd) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 18(a)**; S.I. 2009/3318, **art. 2(c)**

F391 S. 100J(1)(be) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(3)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F392 S. 100J(1)(bf) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 3(a)**

F393 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)**

F394 S. 100J(1)(cd) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(a)** (with ss. 7(6), 115, 117, Sch, 8para. 7)

F395 S. 100J(1)(e) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(2)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F396 S. 100J(1)(eza) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(2)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F397 S. 100J(1)(ea) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch 6 para. 26(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)

F398 S. 100J(1)(f) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 39(2)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F399 S. 100J(1)(g) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(2)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F400 S. 100J(1)(h) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(2)**

F401 Word in s. 100J(2) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(3)**; S.I. 2018/227, **reg. 4(c)**

F402 Words in s. 100J(2) inserted (3.7.2000) by 1999 c. 29, **s. 331(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(d)**

F403 Words in s. 100J(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 18(b)**; S.I. 2009/3318, **art. 2(c)**

F404 S. 100J(2A) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(3)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F405 S. 100J(2B) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(8)(b)**

F406 S. 100J(2B)(a) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(f)(iii)**; S.I. 2015/994, art. 6(g)

F407 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

F408 Word in s. 100J(3) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(f)(iv)**; S.I. 2015/994, art. 6(g)

F409 Word in s. 100J(3) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(4)**; S.I. 2018/227, **reg. 4(c)**

F410 Words in s. 100J(3) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 18(c)**; S.I. 2009/3318, **art. 2(c)**

F411 Word in s. 100J(3) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(4)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F412 Word in s. 100J(3) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 3(b)**

F413 (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)**

F414 Words in s. 100J(3) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

F415 Words in s. 100J(3) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F416 Words in s. 100J(3) substituted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(3)**

F417 S. 100J(3YA) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(5)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F418 S. 100J(3ZA)(3ZB) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(4)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F419 S. 100J(3ZAA) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(4)**

F420 S. 100J(3A) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch 6 para. 26(c), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)

F421 Words in s. 100J(4)(a) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(f)(v)**; S.I. 2015/994, art. 6(g)

F422 Words in s. 100J(4)(a) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 18(d)**; S.I. 2009/3318, **art. 2(c)**

F423 Words in s. 100J(4)(a) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 3(c)**

F424 Word in s. 100J(4)(a) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F425 Words in s. 100J(4)(a) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F426 Words in s. 100J(4)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 9(3)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3236, art. 4, **Sch.**

F427 Words in s. 100J(4)(a) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(2)(a)**

F428 Word in s. 100J(4)(a) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(2)(b)**

F429 Words in s. 100J(4)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 9(3)(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3236, art. 4, **Sch.**

F430 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)**

F431 Words in s. 100J(4)(aa) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(c)(i)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

F432 Words in s. 100J(4)(aa) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(3)(a)**

F433 Words in s. 100J(4)(aa) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(3)(b)**

F434 Words in s. 100J(4)(aa) substituted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(c)(ii)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

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F435 Words in s. 100J(4)(b) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(5)**

F436 Words in s. 100J(4)(b) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(4)**

F437 Words in s. 100J(4)(c) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 39(3)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F438 Words in s. 100J(4)(c) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(5)(a)**

F439 Word in s. 100J(4)(c) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(5)(b)**

F440 S. 100J(4A) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(5)**; S.I. 2018/227, **reg. 4(c)**

F441 S. 100J(4AA) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(6)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F442 S. 100J(4B) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(5)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F443 S. 100J(5) repealed (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 54, 61, Sch. 1 para. 39(4), **Sch. 2**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

Modifications etc. (not altering text)

C291 S. 100J(1)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(h)**

C292 S. 100J(1)(b) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(h)**

[F444 100K Interpretation and application of Part VA.

(1) In this Part—

"committee or sub-committee of a principal council" shall be construed in accordance with section 100E(3) above[F445 (and see [F446 section 100J(3YA), (3ZA)(b)][F447 and (3ZAA)] 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

F448 (ii) [for inclusion in programmes to be included in any programme service (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]

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[[F449](3) The Secretary of State may by order amend sections 100A(6)(a) and 100B(3) and (4)(a) above so as to substitute for each reference to three clear days such greater number of days as may be specified in the order.

[F449](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.**]**

Textual Amendments

F444 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F445 Words in s. 100K inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 16**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F446 Words in s. 100K(1) substituted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(7)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F447 Words in s. 100K(1) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(6)**

F448 S. 100K(1)(*b*)(ii) substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 16**

F449 S. 100K(3)(4) inserted (E.) (1.10.2000) and (W.) (28.7.2001) by 2000 c. 22, **ss. 98(1)**, 108(4); S.I. 2000/2187, **art. 3**

Modifications etc. (not altering text)

C293 S. 100K 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)(h))

PART VI

DISCHARGE OF FUNCTIONS

Modifications etc. (not altering text)

C294 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.

(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.

[[F450](1A) A local authority may not under subsection (1)(b) above arrange for the discharge of any of their functions by another local authority if, or to the extent that, that function is also a function of the other local authority and is the responsibility of the other authority's executive.

(1B) Arrangements made under subsection (1)(b) above by a local authority ("the first authority") with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that,—

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(a) the first authority are operating or begin to operate executive arrangements, and that function becomes the responsibility of the executive of that authority; or

(b) the authority with whom the arrangements are made ("the second authority") are operating or begin to operate executive arrangements, that function is also a function of the second authority and that function becomes the responsibility of the second authority's executive.

(1C) Subsections (1A) and (1B) above do not affect arrangements made by virtue of section **[**[F451]9EA or**]** 19 of the Local Government Act 2000 (discharge of functions of and by another authority).**]**

[[F452](1D) A combined authority may not arrange for the discharge of any functions under subsection (1) if, or to the extent that, the function is a mayoral function of a mayor for the area of the authority.

(1E) "Mayoral function" has the meaning given by section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009.**]**

(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 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.

[[F453](5A) Arrangements made under subsection (5) above by two or more local authorities with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the authorities.

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(5B) Subsection (5A) above does not affect arrangements made by virtue of section **[**[F454]9EB or**]** 20 of the Local Government Act 2000 (joint exercise of functions).**]**

[[F455](5C) Arrangements under subsection (5) by two or more local authorities with respect to the discharge of any of their functions cease to have effect with respect to that function if, or to the extent that, the function becomes a general function of a mayor for the area of a combined authority.

(5D) Subsection (5C) does not prevent arrangements under subsection (5) being entered into in respect of that function by virtue of section 107E of the Local Democracy, Economic Development and Construction Act 2009 (joint exercise of general functions).

(5E) In subsection (5C), "general functions" has the meaning given in section 107D(2) of that Act.**]**

(6) A local authority's functions with respect to levying, or issuing a precept for, a rate [F456]. . . shall be discharged only by the authority.

[[F457](6A) Community Infrastructure Levy under Part 11 of the Planning Act 2008 is not a rate for the purposes of subsection (6).**]**

(7) [F458]. . . . . .

(7A) [F459]. . . . . .

(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—

[F460](a) . . . . . .
[F461](b) . . . . . .
[F462](c) . . . . . .
[F463](d) . . . . . .
[F464](e) . . . . . .
[F465](f) . . . . . .
[F466](g) . . . . . .
[F467](h) . . . . . .

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.

[[F468](10A) In determining what arrangements to make for the discharge of any functions, a principal council in Wales may act as if paragraph (f) were omitted from subsection (9) above.**]**

[F469](11) . . . . . .

(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, [F470]...**[**[F471]any joint authority [F472]..., **[**[F473]an economic prosperity board, a combined authority,**][**[F474]a sub-national transport body,**]**[F475]...[F476]. . .,**]** 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.

[[F477](13A) In this section "local authority" includes the London Fire Commissioner; but nothing in this section authorises functions of the Commissioner to be discharged by a committee or sub-committee of the Commissioner.**]**

(14) Nothing in this section affects the operation of section 5 of the 1963 Act or the [M7]Local Authorities (Goods and Services) Act 1970.

[[F478](15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing authority (within the meaning of that Act).**]**

Textual Amendments

F450 S. 101(1A)-(1C) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 3(a) and (W.) (1.4.2002) by S.I. 2002/803, **art. 3(a)**

F451 Words in s. 101(1C) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 3(1)**(2)**; S.I. 2012/1008, art. 4(b)

F452 S. 101(1D)(1E) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 4(a)**

F453 S. 101(5A)(5B) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 3(b) and (W.) (1.4.2002) by S.I. 2002/803, **art. 3(b)**

F454 Words in s. 101(5B) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 3(1)**(3)**; S.I. 2012/1008, art. 4(b)

F455 S. 101(5C)-(5E) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 4(b)**

F456 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**

F457 S. 101(6A) inserted (6.4.2009) by Planning Act 2008 (c. 29), **ss. 224(1)**, 241; S.I. 2009/400, **art. 3(m)**

F458 S. 101(7) repealed (31.5.2009) by The Legislative Reform (Local Government) (Animal Health Functions) Order 2009 (S.I. 2009/1375), **art. 2(1)(a)**

F459 S. 101(7A) repealed (31.5.2009) by The Legislative Reform (Local Government) (Animal Health Functions) Order 2009 (S.I. 2009/1375), **art. 2(1)(b)**

F460 S. 101(9)(a) repealed (1.4.1994) by 1993 c. 35, ss. 307(1)(3), 308(3), Sch. 19 para. 49, **Sch. 21 Pt. II**.; S.I. 1994/507, art. 4, **Sch. 2** Appendix (with savings in Sch. 3 Pt. II para. 8(a)(b)(i))

F461 S. 101(9)(*b*) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F462 S. 101(9)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.**

F463 S. 101(9)(d) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), ss. 321, 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

F464 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**

F465 S. 101(9)(f) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67, **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)**; S.I. 2006/885, **art. 2(1)(h)**

F466 S. 101(9)(*g*) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

F467 S. 101(9)(h) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F468 S. 101(10A) inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 26(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(2), **Sch. 5**

F469 S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F470 Words in s. 101(13) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 38(2)**; S.I. 2018/227, **reg. 4(c)**

F471 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), **Sch. 14 para. 15**

F472 Words in s. 101(13) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 105**; S.I. 2012/2892, art. 2(i)

F473 Words in s. 101(13) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 19**; S.I. 2009/3318, **art. 2(c)**

F474 Words in s. 101(13) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 4(c)**

F475 Words in s. 101(13) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(g)**; S.I. 2015/994, art. 6(g)

F476 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F477 S. 101(13A) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 38(3)**; S.I. 2018/227, **reg. 4(c)**

F478 S. 101(15) inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, **Sch. 6 para. 58** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

Modifications etc. (not altering text)

C295 S. 101 extended by Local Government Act 1974 (c. 7), **s. 25(4)**
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)

C296 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)**
S. 101 excluded by S.I. 1991/445, **reg. 5(4)**
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**
S. 101 excluded (17.7.1992) by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 316(3)(b)** (as 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))

S. 101 excluded: (17.7.1992) by S.I. 1992/1492, **reg. 10**; (6.5.1992) by Local Government Act 1992 (c. 19), **ss. 5(4)**, 30(2); (31.1.1995) by S.I. 1995/187, **art. 11(3)**; (1.3.1995) by S.I. 1995/493, **art. 20(3)**; (8.3.1995) by S.I. 1995/600, **art. 18(3)**; (8.3.1995) by S.I. 1995/610, **art. 17(2)**; (1.8.1995) by S.I. 1995/1748, **reg. 5(4)**; (temp. from 5.5.1997 to 31.3.1998) by S.I. 1996/1867, **art. 22(3)**; (temp. from 5.5.1997 to 31.3.1998) by S.I. 1996/1876, **art. 15(3)**; (1.6.1997) by S.I. 1997/1160, **reg. 15(2)**; (11.9.1998) by 1998 c. 18, **ss. 11(8)(9)**, 55(2); (25.5.1999) by 1999 c. i, **ss. 1(2)**, 31 (with s. 28)

S. 101 excluded: (E.) (16.11.2000) by S.I. 2000/2853, **regs. 2(7)**, 4(8), 5(5); (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 23, 108(4), **Sch. 1 para. 2(4)**; S.I. 2000/2849, **art. 2(c)**; (E.) (7.8.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 48(5)**; S.I. 2000/2187, **art. 2(a)**; S.I. 2000/2948, **art. 2**; (E.) (19.12.2000) (W.) (19.12.2000 with application in relation to police authorities in W. and otherwise 28.7.2001) by 2000 c. 22, **ss. 51(9)**, 80(4), 108(4); (E.) (2.4.2001) by S.I. 2001/1299, **reg. 4**; (E.) (18.5.2001) by S.I. 2001/1517, **art. 8(3)**; (W.) (28.7.2001) by S.I. 2001/2284, **regs. 8(7)**, 10(8), 11(5) (as amended (10.2.2003 for W.) by S.I. 2003/155, **reg. 2**); (W.) (28.7.2001) by S.I. 2001/2291, **regs. 2(7)**, 4(8), 5(5) (as amended (10.2.2003 for W.) by S.I. 2003/153, **reg. 2**); (E.) (7.11.2001) by S.I. 2001/3384, **reg. 5**

S. 101 excluded by Greenham and Crookham Commons Act 2002 (c. i), **s. 20(1)** (with savings in ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)

S. 101 excluded (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 25(8)**, 73; S.I. 2005/558, **art. 2**, Sch. 1

C297 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)

S. 101 restricted (22.8.1996) by 1996 c. 16, **ss. 15(2)(4)**, 104(1)

C298 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**

S. 101 modified (3.4.1995) by 1994 c. 19, **s. 30(10)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, **art. 5**

S. 101 modified (31.10.1997) by 1997 c. 50, **s. 55(8)(9)**; S.I. 1997/2390, **art. 2(1)(2)(m)**

S. 101 modified (16.7.1998) by 1998 c. 30, **ss. 23(3)(a)**, 46(3)

S. 101 modified (28.9.2004 for E.) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 4(8)**, 121 (with ss. 111, 119, Sch. 8); S.I. 2004/2202, **art. 2(a)**

C299 S. 101 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

S. 101 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

Ss. 101-104 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)**

Ss. 101-104 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)**

C300 S. 101: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

S. 101: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**

S. 101: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

C301 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)**

C302 S. 101: power to disapply conferred (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 13(12)**; S.I. 2000/2187, **art. 2(b)**; S.I. 2000/2849, **art. 2(b)**; S.I. 2000/2948, **art. 2**

C303 S. 101 extended (1.9.2003) by Education Act 2002 (c. 32), **ss. 183(4)(c)**, 216 (with ss. 210(8), 214(4)); S.I. 2003/1667, **art. 4**; S.I. 2003/1718, **art. 5**, Sch. Pt. II

C304 S. 101 excluded (3.7.2006 for W.) by The Local Authorities (Standing Orders) (Wales) Regulations 2006 (S.I. 2006/1275), **reg. 7**

C305 S. 101 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**

C306 S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 10(7)**
S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 12(8)**
S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 13(5)**

C307 S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 3(7)**
S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 5(8)**
S. 101 excluded (W.) (16.2.2007) by The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), **reg. 6(5)**

C308 Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C309 S. 101 applied (with modifications) (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, **9(3)**

C310 S. 101 applied (with modifications) (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, **8(1)**(7)

C311 S. 101 excluded by 2000 c. 22, s. 9R(6) (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/57, art. 4(1)(b) (with arts. 6, 7, 9-11); S.I. 2012/1008, art. 4(b))

C312 S. 101: power to exclude conferred by 2000 c. 22, s. 9J(2)(b) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

C313 S. 101 excluded by 2000 c. 22, s. 9C(6) (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/57, art. 4(1)(b) (with arts. 6, 7, 9-11); S.I. 2012/1008, art. 4(b))

C314 S. 101 excluded (15.1.2012 for E., 31.1.2012 for W.) by Localism Act 2011 (c. 20), ss., **42(2)**, 240(3)(a); S.I. 2012/193, art. 2(a)

C315 S. 101 excluded (4.5.2012) by The Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020), regs. 1, **3(9)** (with reg. 3(10))

C316 S. 101 excluded (4.5.2012) by The Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020), regs. 1, **3(1)-(8)**

C317 S. 101 excluded (7.6.2012 for specified purposes, 1.7.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 28(14)**, 240(2); S.I. 2012/1463, arts. 2(b), 5(c) (with arts. 6, 7)

C318 S. 101 excluded (W.) (with effect in accordance with reg. 1(3) of the amending S.I.) by The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 (S.I. 2012/3144), regs. 1(2), **12(3)**

C319 S. 101 applied (with modifications) (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **3**

C320 S. 101 excluded (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **29(1)**

C321 S. 101 excluded (with application in accordance with reg. 1(3) of the amending S.I.) by The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (S.I. 2013/3029), regs. 1(2), **12(3)**

C322 S. 101 modified (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), arts. 1, **8(3)**

C323 S. 101 modified (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **10(2)** (with arts. 8(4), 12)

C324 S. 101 applied (with modifications) (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, **10(3)**

C325 S. 101 excluded by S.I. 2006/1275, reg. 7 (as substituted (W.) (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **6** (with reg. 12))

C326 Ss. 101-103 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C327 S. 101 excluded (1.4.2015) by The Local Audit (Auditor Resignation and Removal) Regulations 2014 (S.I. 2014/1710), regs. 1(1), **5(3)**

C328 S. 101 excluded (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), **ss. 15(5)**, 49(1); S.I. 2015/841, art. 3(l)

C329 S. 101 excluded (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 7 para. 7(2)**; S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

C330 S. 101 excluded (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 3 para. 1(2)**; S.I. 2015/841, art. 3(f)

C331 S. 101 excluded (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **2(4)** (with reg. 1(3))

C332 Ss. 101, 102 modified by 1990 c. 8, s. 319ZC (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a))

C333 S. 101 excluded (26.11.2015) by Local Government (Wales) Act 2015 (anaw 6), **ss. 3(2)**, 46(2)

C334 S. 101 excluded (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), **ss. 43(5)**, 56(2); S.I. 2016/86, art. 3

C335 Ss. 101-102 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C336 Ss. 101-103 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C337 S. 101(1) excluded (E.) (7.8.2000 for specified purposes otherwise 26.10.2000) (W.) (28.7.2001) by 2000 c. 22, **ss. 13(10)(b)**, 108(4); S.I. 2000/2187, **art. 2(b)**; S.I. 2000/2849, **art. 2(b)**

C338 S. 101(1) excluded by 2000 c. 22, s. 9DA(3)(6) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

C339 S. 101(1)(*a*) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(a)**

C340 S. 101(1)(a) excluded (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **29(2)(a)**

C341 S. 101(1)(*b*) excluded by Local Government Finance Act 1988 (c. 41, SIF 81:1), **s. 89(3)**
S. 101(1)(b) excluded (3.4.1995) by 1994 c. 19, **s. 38(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, **arts. 6**, 9(2)

C342 S. 101(1)(b)(5) modified (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 10(1), 53(2); S.I. 2009/3272, **art. 3**, Sch. 2

C343 S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(3)**

C344 S. 101(2)-(4) power to apply or reproduce (with or without modifications) (E.) (7.8.2000) and (W.) (1.11.2000) by 2000 c. 22, **s. 19(5)**; S.I. 2000/2187, **art. 2(a)**; S.I. 2000/2948, **art. 2**

C345 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**

C346 S. 101(2)-(4) power to apply (with modifications) conferred by 2000 c. 22, s. 9EA(4)(b)(5) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

C347 S. 101(2) applied (15.1.2012) by Localism Act 2011 (c. 20), **ss. 203(2)(b)**, 240(1)(l)

C348 S. 101(2) applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 1**

C349 S. 101(2) applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), **7**

C350 S. 101(2) applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C351 S. 101(2) applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C352 S. 101(3)(4) applied (8.5.2000) by 1999 c. 29, **s. 38(8)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
S. 101(3)(4) applied (8.5.2000) by 1999 c. 29, **s. 380(10)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

C353 S. 101(4) excluded (3.4.1995) by 1994 c. 19, **s. 29(1)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, **art. 5**, 9(2)

C354 S. 101(5): power to direct conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
S. 101(5): power to restrict conferred (1.2.1996) by 1995 c. 25, s. 90, **Sch. 11 para. 3(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

C355 S. 101(5) modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
S. 101(5) 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**
S. 101(5) 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. 101(5) modified (3.7.2000) by 1991 c. 40, **s. 73(1A)** (as substituted (3.7.2000) by 1999 c. 29, s. 283(2), 425(2) (with **Sch. 12 para. 9(1)**)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

C356 S. 101(5) restricted (E.) (7.8.2000 for specified purposes, otherwise 26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, **ss. 13(10)(c)**, 108(4); S.I. 2000/2187, **art. 2(b)**;
S. 101(5) restricted (W.) (1.4.2002) by 1989 c. 42, S. 9(8A)(b) (as inserted (1.4.2002) by S.I. 2002/808, **art. 23(b)**)

C357 S. 101(5) excluded (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **29(2)(b)**

C358 S. 101(6) amended by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), **ss. 14(14)**, 23(2), 27(2)
S. 101(6) applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(2)**; S.I. 1996/2916, art. 2, **Sch. para. 20(2)**; S.I. 1996/2917, art. 2, **Sch. para. 20(2)**; S.I. 1996/2918, art. 2, **Sch. para. 20(2)**; S.I. 1996/2919, art. 2, **Sch. para. 20(2)**; S.I. 1996/2920, art. 2, **Sch. para. 20(2)**; S.I. 1996/2921, art. 2, **Sch. para. 20(2)**; S.I. 1996/2922, art. 2, **Sch. para. 20(2)**; S.I. 1996/2923, art. 2, **Sch. para. 20(2)**; S.I. 1996/2924, art. 2, **Sch. para. 20(2)**
S. 101(6) applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(2)**; S.I. 1995/3229, art. 2, **Sch. para. 20(2)**; S.I. 1995/3230, art. 2, **Sch. para. 20(2)**
S. 101(6) applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(2)**; S.I. 1995/3132, art. 2, **Sch. para. 20(2)**; S.I. 1995/3133, art. 2, **Sch. para. 20(2)**

C359 S. 101(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(i)**

C360 S. 101(13) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(i)**

C361 S. 101(13) excluded (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **29(2)(c)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Marginal Citations
M7 1970 c. 39.

102 Appointment of committees.

(1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above **[**[F479]or**][**[F480]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.

[[F481](1A) For the purpose of discharging any function in pursuance of arrangements made under **[**[F482]section 9E(2)(b)(iv), (3)(b), (4)(a) or (5)(a)**]** of the Local Government Act 2000 **[**[F483]or under regulations made under section 18 of that Act**]** (discharge of functions by area committees)—

(a) a local authority may appoint a committee of the authority; or

(b) 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) **[**[F484]or (1A)**]** above, their term of office, and the area (if restricted) 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) **[**[F484]or (1A)**]** 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, [F485]. . .

(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 **[**[F486], or, where the appointing authority or each of the authorities operate executive arrangements, any executive of that or those authorities, or a committee or member of that executive,**]** 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.

[[F487](6) Subsection (7) applies in relation to—

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(a) a committee or sub-committee appointed by a local authority in England wholly or partly for the purposes of discharging functions of a fire and rescue authority,

(b) a joint committee appointed by two or more local authorities in England wholly or partly for the purposes of discharging such functions, or

(c) a sub-committee appointed by any such committee or joint committee wholly or partly for the purposes of discharging such functions.

(7) A relevant police and crime commissioner may only be appointed to a committee or sub-committee to which this subsection applies in response to a request made by the commissioner to the appointing authority or authorities or, in the case of a sub-committee, to the appointing committee.

(8) If a request under subsection (7) is made to an appointing authority or authorities or an appointing committee, they must—

(a) consider the request,

(b) give reasons for their decision to agree to or refuse the request, and

(c) publish those reasons in such manner as they think appropriate.

(9) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a committee to which the commissioner is appointed in accordance with this section only if and to the extent that the business of the meeting relates to the functions of a fire and rescue authority.

(10) Subsection (11) defines "relevant police and crime commissioner" for the purposes of this section in relation to—

(a) a committee or sub-committee appointed by a local authority,

(b) a joint committee appointed by two or more local authorities, or

(c) a sub-committee appointed by a committee of a local authority or a joint committee of two or more local authorities.

(11) For those purposes "relevant police and crime commissioner" means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the area of that local authority or (as the case may be) one or more of those local authorities, or

(b) all or part of whose area falls within the area of that local authority or (as the case may be) one or more of those local authorities.**]**

Textual Amendments

F479 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**

F480 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)**

F481 S. 102(1A) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(a) and (W.) (1.4.2002) by S.I. 2002/803, **art. 4(a)**

F482 Words in s. 102(1A) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 4(a)**; S.I. 2012/1008, art. 4(b)

F483 Words in s. 102(1A) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 4(b)**; S.I. 2012/1008, art. 4(b)

F484 Words in s. 102(2)(3) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(b) and (W.) (1.4.2002) by S.I. 2002/803, **art. 4(b)**

F485 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**

F486 Words in s. 102(4) inserted (E.) (18.5.2001) by S.I. 2001/1517, art. 4(c) and (W.) (1.4.2002) by S.I. 2002/803, **art 4(c)**

F487 S. 102(6)-(11) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 7(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 3

Modifications etc. (not altering text)

C308 Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C326 Ss. 101-103 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C332 Ss. 101, 102 modified by 1990 c. 8, s. 319ZC (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a))

C335 Ss. 101-102 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C336 Ss. 101-103 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C362 S. 102 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 102 applied (10.1.1992) 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)**
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**

C363 S. 102: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 1**
S. 102: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 102: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

C364 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)

C365 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**

C366 Ss. 101-104 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)**
Ss. 101-104 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)**

C367 S. 102 applied (with modifications) (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **4**

C368 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**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C369 S. 102(2) excluded (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 16(8)**

C370 S. 102(2)(5) applied (E.) (2.4.2001) by S.I. 2001/1299, **reg. 6(11)**
S. 102(2)(5) applied (W.) (28.7.2001) by S.I. 2001/2284, **reg. 6(11)**

C371 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**

C372 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)**

C373 S. 102(2) applied (with modifications) (30.4.2009 for E. and 1.10.2009 for W.) by Police and Justice Act 2006 (c. 48), ss. 19, 53, **Sch. 8 para. 9**; S.I. 2009/936, **art. 2**; S.I. 2009/2540, **art. 2**

C374 S. 102(2) applied (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 9(7)**

C375 S. 102(2) applied by 2000 c. 22, s. 9FA(7) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

C376 S. 102(2) applied (4.5.2012) by The Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020), regs. 1, **5(4)**

C377 S. 102(2)-(5) applied by 1972 c. 70, Sch. 5A para. 2(5) (as inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 3**)

C378 S. 102(5) applied (with modifications) (30.4.2009 for E. and 1.10.2009 for W.) by Police and Justice Act 2006 (c. 48), ss. 19, 53, **Sch. 8 para. 9**; S.I. 2009/936, **art. 2**; S.I. 2009/2540, **art. 2**

C379 S. 102(5) applied (W.) (16.2.2007) by The Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397), **reg. 9(7)**

C380 S. 102(5) applied by 2000 c. 22, s. 9FA(7) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/1008, art. 4(b))

C381 S. 102(5) applied (4.5.2012) by The Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020), regs. 1, **5(4)**

C382 S. 102(6)-(11) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 2(a)**

103 Expenses of joint committees.

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 **[**[F488]or groups of parishes**]** situated in the same district, by the district council;

[[F489](aa) in any case in which those authorities are the councils of communities or groups of communities situated in the same principal area, by the council of that area;**]** 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.

Textual Amendments

F488 Words in s. 103(a) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 27** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F489 S. 103(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 27** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C308 Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C326 Ss. 101-103 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C336 Ss. 101-103 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C383 S. 103 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C384 S. 103 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C385 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)

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. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 103 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**

S. 103 modified (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(1)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

C386 Ss. 101-104 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)**

Ss. 101-104 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)**

C387 S. 103 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**

C388 S. 103 excluded (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 180(3)**, 324(1)(c)(3) (with ss. 172(3), 185)

C389 S. 103 excluded (1.10.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 180(3)**, 324(3) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(h)

C390 S. 103 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C391 S. 103 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C392 S. 103 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C393 S. 103 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C394 S. 103 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C395 S. 103 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

Status: *Point in time view as at 04/04/2020.*
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C396 S. 103 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C397 S. 103 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C398 S. 103 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

104 Disqualification for membership of committees and joint committees.

(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.

(2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, [F490]. . . or other educational institution maintained or assisted by a **[**[F491]local authority**]** be disqualified for being a member of any committee of any local authority—

(a) appointed wholly or partly for the purpose of discharging **[**[F492]any education functions as defined in section 579(1) of the Education Act 1996**]**; or

(b) appointed for purposes connected with the execution of the [M8]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.

[F493](5) . . . . . .

Textual Amendments

F490 Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**

F491 Words in s. 104(2) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(a)**

F492 Words in s. 104(2)(a) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(b)**

F493 S. 104(5) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 39**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

C308 Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C399 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)**
S. 104 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**

C400 Ss. 101-104 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)**
Ss. 101-104 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)**

C401 S. 104 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**

C402 S. 104 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)

C403 S. 104 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C404 S. 104 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C405 S. 104 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C406 S. 104(1) excluded (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), **5(1)** (with reg. 5(2))

C407 S. 104(1) applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **8(2)**(3) (with reg. 1(3))

C408 S. 104(4) excluded by 1990 c. 8, s. 319ZA(3) (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a))

Marginal Citations

M8 1964 c. 75.

[F494]105 Disability for voting on account of interest in contracts, etc.

. . . . . .

Textual Amendments

F494 S. 105 repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), Sch. 5 para. 13, **Sch. 6**; S.I. 2012/1358, art. 2

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106 Standing orders.

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.

Modifications etc. (not altering text)

C308 Ss. 101-106 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C409 S. 106 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C410 S. 106 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C411 S. 106 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**

C412 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**

C413 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**

C414 S. 106 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(5)**

C415 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)

C416 S. 106 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C417 S. 106 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

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C418 S. 106 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C419 S. 106 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C420 S. 106 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C421 S. 106 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C422 S. 106 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C423 S. 106 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C424 S. 106 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

C425 S. 106 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

107 Application of foregoing provisions to [F495the Common Council].

[F496(1) In their application to the Common Council as police authority, sections 101 to 106 shall have effect subject to the following provisions of this section (and in those provisions references to the Common Council are references to the Council as police authority).]

(2) F497... Section 101(1)(b) and (3) above shall not apply to [F498the Common Council].

[F499(2A) The Common Council may not, under section 101(1)(a), arrange for any person to exercise a function that the Common Council has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision).]

(3) The officers who may discharge the functions of [F500the Common Council] 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 [F501by the Common Council].

[F502(3A) Where pursuant to arrangements made by virtue of subsection (3) above—

(a) a chief officer of police, or

(b) the deputy of a chief officer of police,

may discharge functions of [F503the Common Council], he may himself arrange for the discharge of any of those functions by a member of the police force or by a person who is employed by [F504the Common Council] but is not under [F505the Common Council's] direction and control.]

[F506(3B) Section 101 above, in its application to [F507the Common Council], shall have effect as if a reference in subsection (1), (2), (4) or (5) to an officer of an authority included a reference to a member of [F508the Common Council].]

[F509(4) The Secretary of State may by regulations make provision regulating the power of [F510the Common Council] under section 101 above to arrange for the discharge of their functions by a committee, sub-committee, officer or member of [F511the Common Council] as respects part only of their area.

(4A) Regulations under subsection (4) may in particular—

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(a) impose limitations or restrictions on the functions which may be the subject of arrangements of the kind referred to in that subsection;

(b) make provision as to the membership or chairmanship of any committee or sub-committee discharging functions under such arrangements;

(c) impose limitations or restrictions on which officers or members of **[**[F512]the Common Council**]** may discharge functions under such arrangements.

(4B) A statutory instrument containing regulations under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

(5) Section 101(10) above shall not apply to **[**[F513]the Common Council**]**.

[F514](6) . . . . . .

[F515](7) . . . . . .

(8) A person shall not be disqualified by virtue of section 104 above for being a member of **[**[F516]the Common Council**]** or the committee (or any sub-committee) of **[**[F517]the Common Council**]** by virtue of his holding any office or employment, except employment **[**[F518]by the Common Council**]**.

[F519](8A) . . . . . .

[F520](9) . . . . . .

[F521](10) . . . . . .

Textual Amendments

F495 Words in s. 107 title substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(2)**; S.I. 2012/2892, art. 2(i)

F496 S. 107(1) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(3)**; S.I. 2012/2892, art. 2(i)

F497 Words in s. 107(2) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 23(4)(a)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(j) (with reg. 3(1)(2)(4))

F498 Words in s. 107(2) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(4)(c)**; S.I. 2012/2892, art. 2(i)

F499 S. 107(2A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 23(4)(b)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(j) (with reg. 3(1)(2)(4))

F500 Words in s. 107(3) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(5)(a)**; S.I. 2012/2892, art. 2(i)

F501 Words in s. 107(3) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(5)(b)**; S.I. 2012/2892, art. 2(i)

F502 S. 107(3A) inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 10(4)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3236, art. 4(1), **Sch.**

F503 Words in s. 107(3A) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(6)(a)**; S.I. 2012/2892, art. 2(i)

F504 Words in s. 107(3A) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(6)(b)**; S.I. 2012/2892, art. 2(i)

F505 Words in s. 107(3A) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(6)(c)**; S.I. 2012/2892, art. 2(i)

F506 S. 107(3B) inserted (29.6.2007) by Police and Justice Act 2006 (c. 48), **ss. 3(2)**, 53; S.I. 2007/1614, **art. 2(c)**

F507 Words in s. 107(3B) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(7)(a)**; S.I. 2012/2892, art. 2(i)

F508 Words in s. 107(3B) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(7)(b)**; S.I. 2012/2892, art. 2(i)

F509 S. 107(4)-(4B) substituted (29.6.2007) for s. 107(4) by Police and Justice Act 2006 (c. 48), **ss. 3(3)**, 53; S.I. 2007/1614, **art. 2(c)**

F510 Words in s. 107(4) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(8)(a)**; S.I. 2012/2892, art. 2(i)

F511 Words in s. 107(4) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(8)(b)**; S.I. 2012/2892, art. 2(i)

F512 Words in s. 107(4A)(c) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(9)**; S.I. 2012/2892, art. 2(i)

F513 Words in s. 107(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(10)**; S.I. 2012/2892, art. 2(i)

F514 S. 107(6) omitted (29.6.2007) by virtue of Police and Justice Act 2006 (c. 48), **ss. 3(4)**, 53; S.I. 2007/1614, **art. 2(c)** and said subsection repealed (prosp.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**

F515 S. 107(7) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(11)**; S.I. 2012/2892, art. 2(i)

F516 Words in s. 107(8) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(12)(a)**; S.I. 2012/2892, art. 2(i)

F517 Words in s. 107(8) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(12)(b)**; S.I. 2012/2892, art. 2(i)

F518 Words in s. 107(8) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 106(12)(c)**; S.I. 2012/2892, art. 2(i)

F519 S. 107(8A) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch. 6 para. 27(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)

F520 S. 107(9) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(6), **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4(1), **Sch.**

F521 S. 107(10) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(6), **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4(1), **Sch.**

Modifications etc. (not altering text)

C426 S. 107 restricted (22.8.1996) by 1996 c. 16, **ss. 15(2)(4)**, 104(1)
S. 107 modified (31.10.1997) by 1997 c. 50, **s. 55(8)(9)**; S.I. 1997/2390, **art. 2(1)(2)(m)**

108 Committees of parish meetings.

In a parish not having a separate parish council the parish meeting may, subject to any provisons 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.

(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.

F522 110 . . . . . .

Textual Amendments

F522 S. 110 repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), **Sch. 12**, Pt. II

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

C427 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**

C428 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.

(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)

C429 S. 111 extended by Housing Act 1974 (c. 44), **s. 126(1)**

C430 S. 111 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*a*)

C431 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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C432 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)**

C433 S. 111 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(1)**

C434 S. 111 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C435 S. 111 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C436 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))

C437 S. 111(3) excluded (18.11.2003) by Local Government Act 2003 (c. 26), ss. {93(7)(a)}, 128

Staff

112 Appointment of staff.

(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.

[[F523](2A) A local authority's power to appoint officers on such reasonable terms and conditions as the authority thinks fit is subject to section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with pay policy statement) **[**[F524]and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to salaries of heads of paid service).**]]**

(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—

[F525](a) . . . . . .

(b) chief education officers appointed under **[**[F526]section 532 of the Education Act 1996**]**;

[F527](c) . . . . . .

[F528](d) . . . . . .

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[F525](e) . . . . . .

(f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the [M9]Agriculture Act 1970; and

(g) directors of social services appointed under section 6 of the [M10]Local Authority Social Services Act 1970 **[**[F529]or section 144 of the Social Services and Well-being (Wales) Act 2014**]**;

and it is hereby declared that subsection (3) above does not apply [F530] ... to any other person appointed by a local authority to perform a specified function.

(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 [M11]Local Authorities (Goods and Services) Act 1970.

Textual Amendments

F523 S. 112(2A) inserted (15.1.2012 for E., 31.1.2012 for W.) by Localism Act 2011 (c. 20), ss., **41(4)**, 240(3)(a); S.I. 2012/193, art. 2(a)

F524 Words in s. 112 inserted (W.) (1.4.2014) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 63(3)**, 75(3); S.I. 2014/380, art. 2

F525 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F526 Words in s. 112(4)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 23** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 19)

F527 S. 112(4)(c) repealed (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 54, 61, Sch. 1 para. 40, **Sch. 2**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F528 S. 112(4)(*d*) repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, **Sch. 13 Pt. I**

F529 Words in s. 112(4)(g) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **30**

F530 Words repealed by virtue of Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

Modifications etc. (not altering text)

C438 S. 112 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**

C439 S. 112 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*b*)

C440 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**.

C441 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)
S. 112: 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**

C442 S. 112 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
S. 112 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**

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C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C444 S. 112 modified by 1999 c. 29, Sch. 27A para. 3(1) (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 15**; S.I. 2018/227, art. 2(b)(iii))

C445 S. 112(1)(2)(5) applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

C446 S. 112(2)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

Marginal Citations

M9 1970 c. 40.

M10 1970 c. 42.

M11 1970 c. 39.

113 Placing of staff of local authorities at disposal of other local authorities.

(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.

[[F531](1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with **[**[F532]the National Institute for Health and Care Excellence,**][**[F533]the Secretary of State, the National Health Service Commissioning Board,**]**[F534] ... a **[**[F535]Strategic Health Authority,**][**[F536]**[**[F537]Local Health Board**]**, **[**[F538]clinical commissioning group,**]** Special Health Authority, [F539]...**][**[F540], NHS trust or NHS foundation trust**]**—

(a) for the placing at the disposal of **[**[F541]the National Institute for Health and Care Excellence,**][**[F542]the Secretary of State, the National Health Service Commissioning Board,**]**[F539]... the **[**[F535]Strategic Health Authority,**][**[F543]**[**[F537]Local Health Board**]**, **[**[F538]clinical commissioning group,**]** Special Health Authority**][**[F540], NHS trust or NHS foundation 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;

(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 **[**[F544]the National Institute for Health and Care Excellence,**][**[F545]the Secretary of State, the National Health Service Commissioning Board,**]**[F539]... the **[**[F535]Strategic Health Authority,**][**[F546]**[**[F537]Local Health Board**]**, **[**[F538]clinical commissioning group,**]** Special Health Authority**][**[F540], NHS trust or NHS foundation 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.

Status: *Point in time view as at 04/04/2020.*
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[[F547](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.**]**

[[F548](4) In subsection (1A) above **[**[F549] "Secretary of State" means the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,**][**[F550]"Local Health Board" means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006,**][**[F551]"clinical commissioning group" means a body established under section 14D of the National Health Service Act 2006, and**]** "NHS trust" means a National Health Service trust established under **[**[F552]section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006**]**[F553]....**]**

Textual Amendments

F531 S. 113(1A) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(1)**

F532 Words in s. 113(1A) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 17 para. 3(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F533 Words in s. 113(1A) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F534 Words in s. 113(1A) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 3**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F535 Words in s. 113(1A) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 para. 7**

F536 Words in s. 113(1A) substituted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), **Sch. 1 para. 10(a)**

F537 Words in s. 113(1A) (1A)(a) (1A)(b) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **Sch. para. 8(2)(a)**

F538 Words in s. 113(1A) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F539 Words in s. 113(1A) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(a)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F540 Words in s. 113(1A) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 18**; S.I. 2004/759, **art. 2**

F541 Words in s. 113(1A)(a) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 17 para. 3(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F542 Words in s. 113(1A)(a) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(a)(iv)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F543 Words in s. 113(1A)(a) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(b)** (with Sch. 2 paras. 6, 16)

F544 Words in s. 113(1A)(b) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 17 para. 3(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F545 Words in s. 113(1A)(b) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(a)(v)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F546 Words in s. 113(1A)(b) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(c)** (with Sch. 2 paras. 6, 16)

F547 S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(2)**

F548 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)**

F549 Words in s. 113(4) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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F550 Words in s. 113(4) inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **Sch. para. 8(2)(b)**

F551 Words in s. 113(4) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F552 Words in s. 113(4) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 51(a)** (with Sch. 3 Pt. 1)

F553 Words in s. 113(4) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 17(b)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C447 S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**

C448 S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*b*)

C449 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**

C450 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)**
S. 113 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. 113: 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)**

C451 S. 113 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. 113 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)**

C452 S. 113 modified (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), **8(a)**

C453 S. 113 modified (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **26(a)**

C454 S. 113 modified (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **13(a)**

C455 S. 113 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(a)**

C456 S. 113 modified (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **20(2)(a)** (with art. 28)

C457 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.

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

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(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)

C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C458 S. 114 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**

C459 Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*b*)

C460 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)**

C461 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**.

C462 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)**

C463 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**

C464 Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

C465 S. 114 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C466 S. 114 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 22**

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115 Accountability of officers.

(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)

C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C467 S. 115 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**

C468 Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

C469 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**

C470 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)**

C471 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)**

C472 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**

C473 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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C474 S. 115 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C475 S. 115 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 22**

116 Members of local authorities not to be appointed as officers.

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 **[**[F554]or elected**]** by that authority to any paid office, other than to the office of chairman or vice-chairman **[**[F555]or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive**]**. . ..

Textual Amendments

F554 Words in s. 116 inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 8(a) and (W.) (1.4.2002) by S.I. 2002/808, **art. 8(a)**

F555 Words in s. 116 inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 8(b) and (W.) (1.4.2002) by S.I. 2002/808, **art. 8(b)**

Modifications etc. (not altering text)

C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C476 S. 116 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
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 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)

C477 S. 116 modified by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 175(6)**, 231(7), 235(6)
S. 116 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S. 116 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**

C478 S. 116: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
S. 116: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**

C479 S. 116 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(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**

C480 S. 116 restricted (23.11.1995) by S.I. 1995/2803, art. 19(1), **Sch. 6 para. 1**

C481 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)**

C482 S. 116 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)**

Status: *Point in time view as at 04/04/2020.*
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S. 116 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)**

C483 S. 116 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**

C484 Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

C485 S. 116 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C486 S. 116 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(b)**

C487 S. 116 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 22**

117 Disclosure by officers of interest in contracts.

(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.

(3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding **[**[F556]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

F556 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

Modifications etc. (not altering text)

C443 Ss. 112-117 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C488 S. 117 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**

C489 S. 117 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*b*)

C490 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**

C491 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)**

C492 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)**

C493 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**

C494 Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

C495 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**

C496 S. 117 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(c)**

C497 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**

C498 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**

C499 S. 117(1) applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C500 S. 117(1)(2)(3) applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 22**

C501 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**

C502 S. 117(2) applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C503 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.

F557 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F557 S. 118 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1)(2), 68, Sch. 6 para. 18, **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(c)(d)**

119 Payments due to deceased officers.

(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 [M12]Superannuation Act 1972, the authority may, without requiring 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 [F558]. . .

(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 [M13]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

F558 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86, **Sch. 11**

Modifications etc. (not altering text)

C504 S. 119 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**

C505 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**.

C506 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**

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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)**

C507 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)**

C508 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**

C509 S. 119 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C510 S. 119 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 22**

C511 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

C512 S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*b*)

C513 S. 119(1) applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

C514 S. 119(2) applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 19**

Marginal Citations

M12 1972 c. 11.
M13 1965 c. 32.

Land transactions — principal councils

120 Acquisition of land by agreement by principal councils.

(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 [M14]Compulsory Purchase Act 1965 (so far as applicable)

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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.

[[F559](3A) Police and crime commissioners and the Mayor's Office for Policing and Crime are to be treated as principal councils for the purposes of—

(a) this section (apart from subsection (1)(b)), and

(b) section 121.**]**

[[F560](3B) A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 is to be treated as a principal council for the purposes of this section (apart from subsection (1)(b)).**]**

(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.

Textual Amendments

F559 S. 120(3A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 107**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 28)

F560 S. 120(3B) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 24**; S.I. 2017/399, reg. 2, Sch. para. 38

Modifications etc. (not altering text)

C515 S. 120 modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 19(4)**

C516 S. 120 amended and certain functions transferred by S.I. 1989/304, **art. 5(3)(g)(4)**

C517 S. 120 amended by S.I. 1989/304, **art. 5(4)(c)**

C518 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**

C519 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)**

C520 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**

C521 S. 120 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C522 S. 120 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C523 Ss. 120-123 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C524 S. 120 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

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C525 Ss. 120-123 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C526 S. 120 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(4)**

C527 S. 120 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C528 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

M14 1965 c. 56.

121 Acquisition of land compulsorily by principal councils.

(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 [M15]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 **[**[F561]Acquisition of Land Act 1981**]** shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above [F562]. . ..

Textual Amendments

F561 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), **Sch. 4 para. 1** Table

F562 Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), **Sch. 6 Pt. I**

Status: *Point in time view as at 04/04/2020.*
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Modifications etc. (not altering text)

C523 Ss. 120-123 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C525 Ss. 120-123 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C529 S. 121 modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 19(4)**

C530 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)**

C531 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**.

C532 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**

C533 S. 121 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C534 S. 121 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C535 S. 121 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C536 S. 121 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(4)**

C537 S. 121 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C538 S. 121(1) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Marginal Citations

M15 1963 c. 29.

122 Appropriation of land by principal councils.

(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 **[**[F563]section 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, . . . [F564] or fuel or field garden allotment (giving those expressions the same meanings as in **[**[F565]the 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 circulatiing in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

[F566] . . . . . .

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[[F567](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—

(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.**]**

[F568](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 [M16]Lands Clauses Consolidation Act 1845 and section 10 of the [M17]Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

[F569](5) . . . . . .

Textual Amendments

F563 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(1)**

F564 Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XII**

F565 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(1)**

F566 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**

F567 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**

F568 S. 122(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**

F569 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)

C523 Ss. 120-123 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C525 Ss. 120-123 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C539 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)

C540 S. 122(4) applied by Town and Country Planning Act 1990 (c. 8, SIF 123:1), **s. 232(5)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Marginal Citations

M16 1845 c. 18.

M17 1965 c. 56.

123 Disposal of land by principal councils.

(1) Subject to the following provisions of this section, **[**[F570]and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,**]** 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.

[[F571](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 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.

[F572](2AA) **[** Subsection (2A) does not apply to a disposal to which the provisions of regulations made under section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 apply.**]**

(2B) Where by virtue of subsection (2A) above **[**[F573]or in accordance with the provisions of regulations made under section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.**]** 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.**]**

[F574](3) . . . . . .

[F575](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

F570 Words in s. 123(1) inserted (15.12.2010) by Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (nawm 6), **ss. 2(2)(a)**, 5(2)

F571 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**

F572 S. 123(2AA) inserted (15.12.2010) by Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (nawm 6), **ss. 2(2)(b)**, 5(2)

F573 Words in s. 123(2B) inserted (15.12.2010) by Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (nawm 6), **ss. 2(2)(c)**, 5(2)

F574 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**

F575 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)

C523 Ss. 120-123 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C525 Ss. 120-123 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C541 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)

C542 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**

C543 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)**

C544 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)

C545 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)**

C546 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**

C547 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)**

C548 S. 123 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C549 S. 123 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C550 S. 123 excluded (E.) (28.1.2014) by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (S.I. 2013/3110), reg. 1(1), **Sch. 5 para. 10(5)**

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C551 S. 123 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C552 S. 123 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(4)**

C553 S. 123 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

C554 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**

C555 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)**

C556 S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(1)**

C557 S. 123(2) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(2)(a)**; S.I. 2010/1937, art. 2, Sch. 1

C558 S. 123(2)(2A) excluded by 2010 c. 32, Sch. 1 para. 20(2) (as substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 1**; S.I. 2012/84, art. 3 (with art. 5))

C559 S. 123(2) excluded (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **43**

C560 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)**

C561 S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), **Sch. 8 para. 9(2)**

C562 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**

C563 S. 123(2A) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(2)(a)**; S.I. 2010/1937, art. 2, Sch. 1

[F576]123A . . . . . .

Textual Amendments

F576 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.

(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,

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a parish or community council may acquire by agreement any land, whether situated inside or outside their area.

(2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the [M18]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
M18 1965 c. 56.

[[F577]125 Compulsory acquisition of land on behalf of parish or community councils.

(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,

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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 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.**]**

[[F578](8) In relation to Wales—

(a) references in this section to a district council are to be read as references to a principal council; and

(b) references to a district are to be read as references to a principal area.**]**

Textual Amendments

F577 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**

F578 S. 125(8) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 28** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 21(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C564 S. 125 modified by S.I. 1990/614, **art. 3**

126 Appropriation of land by parish and community councils and by parish meetings.

(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 **[**[F579]section 229 of the Town and Country Planning Act 1990**]** (land forming part of a common, etc.) unless—

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(a) the total of the land appropriated in any particular common, [F580]. . . or fuel or field garden allotment (giving those expressions the same meanings as in **[**[F581]the 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,

[F582] . . . . . .

[[F583](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.**]**

[F584](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 [M19]Lands Clauses Consolidation Act 1845 and section 10 of the [M20]Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

[F584](7) . . . . . .

Textual Amendments

F579 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(1)**

F580 Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**

F581 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(1)**

F582 Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIII**

F583 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)**

F584 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**

Status: *Point in time view as at 04/04/2020.*
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Marginal Citations

M19 1845 c. 18.

M20 1965 c. 56.

127 Disposal of land held by parishes and communities.

(1) Subject to the following provisions of this section, **[**[F585]and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,**]** 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.

(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.

[[F586](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 **[**[F587]the Charities Act 2011**]**.

(5) 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.

Textual Amendments

F585 Words in s. 127(1) inserted (15.12.2010) by Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (nawm 6), **ss. 2(3)**, 5(2)

F586 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**

F587 Words in s. 127(4) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 26** (with s. 20(2), Sch. 8)

Modifications etc. (not altering text)

C565 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.

(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—

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(a) in relation to any particular transaction or transactions or in relation to a particular class of transactions; and

(b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and

(c) 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—

(a) 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 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 [M21]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)

C566 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**.

C567 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)**

C568 Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C569 Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C570 Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C571 Ss. 128-131 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C572 S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

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C573 S. 128(2) restricted by Housing Act 1980 (c. 51, SIF 61), **s. 137(1)**
C574 S. 128(2) excluded by Housing and Building Control Act 1984 (c. 29, SIF 61), **s. 22(7)**
C575 S. 128(2) restricted by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, 93(1)
C576 S. 128(2) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*c*)
C577 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)**
C578 S. 128(2) applied by 1990 c. 8, s. 233(9) (as inserted (25.6.2013 for E.) by Growth and Infrastructure Act 2013 (c. 27), **ss. 8(3)**, 35(1); S.I. 2013/1124, art. 3)

Marginal Citations
M21 1959 c. 53.

129 Payment of purchase or compensation money by one local authority to another.

(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 [M22]Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.

(2) A decision of the Secretary of State under this section shall be final.

Modifications etc. (not altering text)
C568 Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
C569 Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
C570 Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
C571 Ss. 128-131 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
C579 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**.
C580 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
M22 1965 c. 56.

130 Acquisition by local authorities of lands belonging to the Duchy of Lancaster.

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

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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 [M23]Duchy of Lancaster Lands Act 1855.

Modifications etc. (not altering text)

C568 Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C569 Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C570 Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C571 Ss. 128-131 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C581 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**.

C582 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

M23 1855 c. 58.

131 Savings.

(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 [M24]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 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 [M25]Technical and Industrial Institutions Act 1892;

(b) the Military Lands Acts 1892 to 1903;

[F588](c) . . . . . .

(d) the Allotments Acts 1908 to 1950;

(e) the Small Holdings and Allotments Acts 1908 to 1931;

[[F589](f) the Ancient Monuments and Archaeological Areas Act 1979**]**

(g) section 28 of the [M26]Land Settlement (Facilities) Act 1919;

[F590](h) . . . . . .

[F591](i) . . . . . .

(j) Part III of the [M27]Agriculture Act 1970; and

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[F591](jj) . . . . . .

(k) any local Act (including an Act confirming a provisional order).

[F592](l) . . . . . .

[[F593](m) the Housing Act 1985**]**

(3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of **[**[F594]sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions 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 **[**[F595]section 117(3)(a) (certain statutorily authorised dispositions not to require the sanction of the Charity Commission)**]**.

(4) In this section "local authority" includes a parish meeting and the parish trustees of a parish.

Textual Amendments

F588 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**

F589 S. 131(2)(*f*) substituted by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), **Sch. 4 para. 13**

F590 S. 131(2)(*h*) repealed by Civil Aviation (Amendment) Act 1982 (c. 1, SIF 9), s. 4(3), **Sch. 2**

F591 S. 131(2)(*i*)(*jj*) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1**

F592 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**

F593 S. 131(2)(*m*) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 23**

F594 Words in s. 131(3) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 27(a)** (with s. 20(2), Sch. 8)

F595 Words in s. 131(3) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 27(b)** (with s. 20(2), Sch. 8)

Modifications etc. (not altering text)

C568 Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C569 Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C570 Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C571 Ss. 128-131 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C583 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)**
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

M24 1906 c. 25.

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M25 1892 c. 29.
M26 1919 c. 59.
M27 1970 c. 40.

Premises and contracts

132 Provision of offices, etc. by principal councils.

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)

C584 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**.

C585 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)**

C586 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)**

C587 S. 132 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

133 Provision of parish and community buildings.

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.

(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 **[**[F596]local authority**]**[F597]. . . 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

(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.

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(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 **[**[F596]local authority**]**[F597]. . . 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 **[**[F598]principal 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.

[[F599](6) In subsections (1) and (2) "local authority" has the meaning given by section 579(1) of the Education Act 1996.**]**

Textual Amendments

F596 Words in s. 134(1)(2) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(3)(a)**

F597 Words in s. 134(1)(2) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F598 Words in s. 134(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 29** (with ss. 54(5)(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F599 S. 134(6) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(3)(b)**

Modifications etc. (not altering text)

C588 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**

C589 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.

(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)

C590 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**

C591 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**

C592 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)**

C593 S. 135 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C594 S. 135 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C595 S. 135 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C596 S. 135 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C597 S. 135 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(d)**

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Miscellaneous

136 Contributions towards expenditure on concurrent functions.

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)

C598 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)**
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)**

C599 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)**

[F600 137 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.

(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.

F601(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

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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.

[F602](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

"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 **[**[F603], in the case of a parish or community council,**]** 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 **[**[F604]Schedule 12B to this Act**]**, by

(b) the relevant population of the authority's area.

(4AA) [F605]. . . . . .

(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);

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(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;

(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.

(4C) [F606] . . . . . .

(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[F607] . . . .

[F608](7A) **[** In relation to England, **[**[F609]section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc)**]** applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to **[**[F610]section 3(3)**]** of that Act.

(7B) In relation to Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) applies in relation to a separate account included in a local authority's accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 39 of that Act.**]**

[F611](8) . . . . . .

[F612](9) **[** Subject to subsection (10) below, in this section "local authority"**[**[F613] means—

(a) a parish council which is not an eligible parish council for the purposes of **[**[F614]Chapter 1 of Part 1 of the Localism Act 2011 (general power of competence) **]**, or

(b) a community council**]**

.

(10) In subsection (3) above "local authority" means—

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(a) in relation to England, a county council, a district council, a London borough council, the Common Council or a parish council,

(b) in relation to Wales, a county council, a county borough council or a community council.**]]**

Textual Amendments

F600 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

F601 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)**

F602 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)**

F603 Words in s. 137(3) inserted (1.4.2004) by Local Government Act 2003 (c. 26), ss. 127(1), 128, **Sch. 7 para. 4**; S.I. 2003/2938, **art. 7(a)** (subject to art. 8, Sch.); S.I. 2003/3034, **art. 2(2)**, Sch. 1 Pt. II

F604 Words in s. 137(4)(a) substituted (27.11.2003 for W. and 1.4.2004 for E.) by Local Government Act 2003 (c. 26), **ss. 118(1)**, 128; S.I. 2003/3034, **art. 2(1)**, Sch. 1 Pt. I; S.I. 2003/2938, **art. 7(a)** (subject to art. 8, Sch.)

F605 S. 137(4AA) repealed (27.11.2003 for W. and otherwise prosp.) by Local Government Act 2003 (c. 26), ss. 127(2), 128, **Sch. 8 Pt. 1**; S.I. 2003/3034, **art. 2(1)**, Sch. 1 Pt. I

F606 S. 137(4C) repealed (27.11.2003) by Local Government Act 2003 (c. 26), ss. 127(2), 128, **Sch. 8 Pt. 1**; S.I. 2003/3034, **art. 2(1)**, Sch. 1 Pt. I

F607 Words in s. 137(7) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 1(1)(2), **Sch. 4**; S.I. 2005/558, **art. 2(1)** Sch. 1 (subject to Sch. 2)

F608 S. 137(7A)(7B) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, **Sch. 2 para. 1(1)(2)(3)**; S.I. 2005/558, **art. 2(1)**, Sch. 1 (subject to Sch. 2)

F609 Words in s. 137(7A) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 7(a)**; S.I. 2015/841, art. 3(x)

F610 Words in s. 137(7A) substituted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 7(b)**; S.I. 2015/841, art. 3(x)

F611 S. 137(8) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 36(6)(b)**

F612 S. 137(9)(10) substituted for s. 137(9) (18.10.2000 (E.) and 9.4.2001 (W.)) by 2000 c. 22, **s. 8**; S.I. 2000/2836, **art. 2(a)**; S.I. 2001/1471, **art. 2**

F613 Words in s. 137(9) substituted (31.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 7(2)**; S.I 2008/3110, {art. 3(c)}

F614 Words in s. 137(9)(a) substituted (4.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 1 para. 1**; S.I. 2012/1008, art. 2(b) (with arts. 7, 8)

Modifications etc. (not altering text)

C600 S. 137 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, 48(12)

C601 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**)

C602 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)).

C603 S. 137(4B)(d) amended (28.11.1994) by S.I. 1994/2825, **reg. 14(1)(a)**

C604 S. 137(4B)(f)(iii) amended (28.11.1994) by S.I. 1994/2825, **reg. 14(1)(b)**

C605 S. 137(7) amended (28.11.1994) by S.I. 1994/2825, **reg. 14(2)**

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[F615 137A Financial assistance to be conditional on provision of information.

(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

F615 S. 137A inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **s. 37**

Modifications etc. (not altering text)

C606 S. 137A amended (28.11.1994) by S.I. 1994/2825, **reg. 15**

138 Powers of principal councils with respect to emergencies or disasters.

(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.

[F616](1A) . . . . . .

[F617](2) . . . . . .

(3) **[**[F618]Nothing in this section authorises**]** a local authority to execute—

(a) any drainage or other works in any part of a main river, **[**[F619]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 **[**[F619] sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991**]**,

but subject to those limitations, **[**[F620]the powers conferred by subsections **[**[F621]subsection (1) 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.

[[F622](5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and **[**[F623]the London Fire Commissioner**]** 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

F616 S. 138(1A) repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32, 34, Sch. 2 Pt. 1 para. 7(a), **Sch. 3**; S.I. 2005/2040, **art. 3(q)(r)**

F617 S. 138(2) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. I**

F618 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **ss. 156(2)(a)**

F619 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)**.

F620 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **ss. 156(2)(b)**

F621 Words in s. 138(3) substituted (14.11.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32, 34, **Sch. 2 Pt. 1 para. 7(b)**; S.I. 2005/2040, **art. 3(q)**

F622 S. 138(5)(6) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 156(3)**

F623 Words in s. 138(5) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 40**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

C607 S. 138 excluded by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(1), **Sch. 1**

C608 S. 138(5) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I. 2017/469), art. 1(3), **Sch. para. 1**

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[F624 138A Prayers and other observances

(1) The business at a meeting of a local authority in England may include time for—
- (a) prayers or other religious observance, or
- (b) observance connected with a religious or philosophical belief.

(2) Subsection (1) also applies in relation to meetings of—
- (a) a committee of a local authority in England,
- (b) a joint committee of two or more such authorities, whether appointed or established under Part 6 of this Act or any other enactment, or
- (c) a sub-committee of such a committee or joint committee.

(3) Subsections (1) and (2) do not limit other powers.

Textual Amendments

F624 Ss. 138A, 138B inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 1**, 3(2)

Modifications etc. (not altering text)

C609 S. 138A modified by 1995 c. 25, Sch. 8 para. 3(1A) (as inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 2(3)**, 3(2))

138B Involvement with religious events and events connected with a belief

(1) A local authority in England may support or facilitate, or make arrangements to be represented at, any of the following—
- (a) a religious event,
- (b) an event with a religious element,
- (c) an event connected with a religious or philosophical belief, or
- (d) an event with an element connected with such a belief.

(2) Subsection (1) does not limit other powers.

(3) Any powers of a local authority in England that are given otherwise than under subsection (1) may be exercised—
- (a) for the purpose of supporting or facilitating any event mentioned in subsection (1), or
- (b) for purposes that include that purpose.

(4) Subsection (3) does not limit the generality of those powers.]

Textual Amendments

F624 Ss. 138A, 138B inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 1**, 3(2)

Modifications etc. (not altering text)

C610 S. 138B modified by 1995 c. 25, Sch. 8 para. 3(1A) (as inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 2(3)**, 3(2))

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[F625 138C Application of sections 138A and 138B to other authorities

(1) Each of the following is (subject to the limitations set out) to be treated as a local authority for the purposes of sections 138A and 138B—

(a) the London Assembly, but only for the purposes of section 138A;

(b) the Greater London Authority, but only for the purposes of section 138B;

(c) the Mayor's Office for Policing and Crime, but only for the purposes of section 138B;

(d) **[**F626 the London Fire Commissioner but only for the purposes of section 138B;**]**

(e) Transport for London;

(f) a Mayoral development corporation;

(g) the Common Council in its capacity as a local authority or police authority or port health authority, but only for the purposes of section 138B(3);

(h) the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple, in that person's capacity as a local authority, but only for the purposes of section 138B(3);

(i) the Council of the Isles of Scilly;

(j) a parish meeting;

(k) charter trustees constituted—

(i) under section 246,

(ii) by the Charter Trustees Regulations 1996 (S.I. 1996/263), or

(iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007;

(l) a joint authority;

(m) an economic prosperity board;

(n) a combined authority;

(o) a joint waste authority;

(p) a fire and rescue authority constituted by a scheme—

(i) under section 2 of the Fire and Rescue Services Act 2004, or

(ii) to which section 4 of that Act applies;

F627 **[**(pa) a fire and rescue authority created by an order under section 4A of that Act, but only for the purposes of section 138B;**]**

(q) the Passenger Transport Executive of an integrated transport area in England;

(r) an executive body established, in relation to an Integrated Transport Authority, by virtue of section 79(1)(a) or 84(2)(d) of the Local Transport Act 2008;

(s) a joint committee constituted to be a local planning authority by an order under section 29 of the Planning and Compulsory Purchase Act 2004;

(t) a joint board continued in existence by section 263(1);

(u) a joint board constituted a port health authority under section 2(4)(b) of the Public Health (Control of Disease) Act 1984;

(v) a riparian authority within section 2(2)(b) of the Public Health (Control of Disease) Act 1984 (conservators or commissioners etc) in its capacity as a port health authority, but only for the purposes of section 138B(3);

(w) an internal drainage board for a district neither wholly nor partly in Wales;

(x) a police and crime commissioner, but only for the purposes of section 138B;

(y) a police and crime panel established and maintained in accordance with Part 2 or 3 of Schedule 6 to the Police Reform and Social Responsibility Act 2011, but only for the purposes of section 138B.

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(2) Section 138A(2)(a), (b) and (c) apply—

(a) as if a police and crime panel established and maintained in accordance with Part 3 of Schedule 6 to the Police Reform and Social Responsibility Act 2011 were a joint committee of the kind mentioned in section 138A(2)(b),

(b) as if a committee of a police and crime panel established and maintained in accordance with Part 2 or 3 of that Schedule, and any sub-committee of such a committee, were a sub-committee of the panel,

(c) as if a sub-committee of a joint committee constituted to be a local planning authority by an order under section 29 of the Planning and Compulsory Purchase Act 2004 were a committee of that joint committee, and

(d) as if a committee appointed as mentioned in section 35(3) of the Localism Act 2011 (standards committee of the Greater London Authority) were a joint committee of the kind mentioned in section 138A(2)(b).

(3) Section 138B applies in relation to the Greater London Authority as follows—

(a) the powers conferred on the Authority by section 138B(1) are exercisable on behalf of the Authority by the Mayor of London, or by the London Assembly, or by the Mayor and Assembly acting jointly, and

(b) section 138B(3), so far as it refers to powers of the Authority, refers to powers of the Authority whether exercisable by the Mayor, by the Assembly or by the Mayor and Assembly acting jointly.

(4) The Common Council may make payments out of the City fund for the purpose of supporting or facilitating, or making arrangements for the Corporation of the City to be represented at, any event mentioned in section 138B(1).

(5) The Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple may, out of funds derived from any precept issued under Part 1 of the Local Government Finance Act 1992, make payments for the purpose of supporting or facilitating, or making arrangements for the Temple concerned to be represented at, any event mentioned in section 138B(1).

(6) Subsections (4) and (5) do not limit other powers.

(7) An internal drainage board for a district partly but not wholly in Wales is to be treated as a local authority in England—

(a) for the purposes of section 138A, but only in relation to meetings held otherwise than in Wales, and

(b) for the purposes of section 138B, but only in relation to events that are to take place otherwise than in Wales.**]**

Textual Amendments

F625 S. 138C inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 2(1)**, 3(2)

F626 S. 138C(1)(d) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 41**; S.I. 2018/227, **reg. 4(c)**

F627 S. 138C(1)(pa) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 25**; S.I. 2017/399, reg. 2, Sch. para. 38

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139 Acceptance of gifts of property.

(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 **[**[F628]the Education Act 1996**]**.

Textual Amendments

F628 Words in s. 139(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 24** (with s. 1(4))

Modifications etc. (not altering text)

C611 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)**

C612 S. 139 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1777), {art. 29(1)(d)}
S. 139 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1778), {art. 29(1)(d)}

140 Insurance by local authorities against accidents to members.

[[F629](1) A local authority may enter into a contract of **[**[F630]accident insurance**]** 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 [M28]Life Assurance Act 1774 shall not apply to any such contract, [F631] . . .

[[F632](3A) References to accident insurance must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

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(b) any relevant order under that section; and
(c) Schedule 2 to that Act.**]**

(4) In this section, the expression [F633]. . . "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

F629 S. 140(1) substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(1)**(*a*)
F630 Words in s. 140(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 282(2)
F631 Words repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(1)(b), **Sch. 7 Pt. XVI**
F632 S. 140(3A) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 282(3)
F633 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)

C613 S. 140 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
C614 S. 140 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*d*)
C615 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**.
C616 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)**
C617 S. 140 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1777), {art. 29(1)(e)}
S. 140 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (2004/1778), {art. 29(1)(e)}
C618 S. 140 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(1)**
C619 S. 140 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

Marginal Citations

M28 1774 c. 48.

[[F634]140A Insurance of voluntary assistants of local authorities.

(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—

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(a) a board constituted in pursuance of **[**[F635]section 2 of the Town and Country Planning Act 1990**]**. . .;
(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

F634 Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(2)**

F635 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(2)**

Modifications etc. (not altering text)

C620 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)

C621 S. 140A 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)(e)**
S. 140A 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)(e)**

[[F636]**140B Insurance of voluntary assistants of probation committee.**

(1) A county council [F637]. . . 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—

(a) in relation to a county council, a probation committee for a probation area wholly or partly within the county; and
(b) 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.**]**

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[[F638](3) In relation to Wales—

(a) subsections (1) and (2)(a) above shall have effect as if they referred to a principal council; and

(b) subsection (2)(a) above shall have effect as if it referred to the area of the principal council.**]**

Textual Amendments

F636 Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(2)**

F637 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F638 S. 140B(3) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 31** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C622 S. 140B: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

[[F639]**140C Provisions supplementary to sections 140A, 140B.**

(1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—

[F640]**[**(a) contracts of permanent health insurance; and

(b) contracts of accident insurance.**]**

[F641]**[**(1A) Subsection (1) must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act.**]**

(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 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

F639 Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 39(2)**

F640 S. 140C(1)(a)(b) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 283(2)

F641 S. 140C(1A) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 283(3)

Modifications etc. (not altering text)

C623 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)

C624 S. 140C 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)(e)**
S. 140C 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)(e)**

141 Research and the collection of information.

(1) **[**[F642]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.

[[F643](3) This section shall have effect in relation to Wales—

(a) as if any reference to a council were a reference to a principal council; and

(b) as if any reference to a county were a reference to a principal area.**]**

Textual Amendments

F642 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 7**

F643 S. 141(3) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 32** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C625 S. 141: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

C626 S. 141 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)(f)**
S. 141 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)(f)**

C627 S. 141(2) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Status: *Point in time view as at 04/04/2020.*
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142 Provision of information, etc., relating to matters affecting local government.

(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 **[**[F644]mentioned in subsection (1B) below**]** or by government departments or by charities and other voluntary organisations, and other information **[**[F645]relating to the functions of the authority**]**.

[[F646](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.

[A local authority may—

[F647](1AA)
(a) for the purpose of broadcasting or distributing information falling within subsection (1AB), provide an electronic communications network or electronic communications service, or
(b) arrange with the provider of such a network or service for the broadcasting or distribution of such information by means of the network or service.

(1AB) Information falls within this subsection, in relation to a local authority, if it is one or both of the following—
(a) information concerning the services within the area of the authority that are provided either by the authority themselves or by other authorities mentioned in subsection (1B) below;
(b) information relating to the functions of the authority.

(1AC) Nothing in subsection (1AA) entitles a local authority to do anything in contravention of a requirement or restriction imposed by or under—
(a) **[**[F648]Part 2 of the Wireless Telegraphy Act 2006**]**,
(b) the Broadcasting Act 1990,
(c) the Broadcasting Act 1996, or
(d) the Communications Act 2003,

and in that subsection "electronic communications network" and "electronic communications service" each has the same meaning as in the Communications Act 2003.**]**

(1B) The other authorities referred to above are any other local authority, . . . [F649] a joint authority established by Part IV of the Local Government Act 1985 **[**[F650], an economic prosperity board, a combined authority**]** 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 **[**[F651]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.

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[[F652](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.

(4) **[**[F653]This section shall have effect as if any reference to a local authority included a reference to the London Fire Commissioner.**]**

Textual Amendments

F644 Words inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), **s. 3(1)**(*a*)

F645 Words substituted by Local Government Act 1986 (c. 10, SIF 81:1, 2), **s. 3(1)**(*a*)

F646 S. 142(1A)(1B) inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), **s. 3(1)**(*b*)(2)

F647 S. 142(1AA)-(1AC) inserted (29.12.2003) by Communications Act 2003 (c. 21), **ss. 349(2)**, 411(2)(3) (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1

F648 Words in s. 142(1AC) substituted (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 123, 126, **Sch. 7 para. 5**

F649 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F650 Words in s. 142(1B) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 20**; S.I. 2009/3318, **art. 2(c)**

F651 Words substituted by Local Government Act 1986 (c. 10, SIF 81:1), **s. 3(1)**(*c*)

F652 S. 142(2A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 38(2)**

F653 S. 142(4) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 42**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

C628 S. 142 amended by S.I. 1990/1765, **art. 4(2)**

C629 S. 142 modified by S.I. 1990/1765, **art. 4(2)(b)**

C630 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)

C631 S. 142 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)(f)**
S. 142 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)(f)**

C632 S. 142(2) modified (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, **11(a)**

C633 S. 142(2) modified (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **14(a)** (with art. 8(4))

C634 S. 142(2) modified (1.4.2014) by The West Yorkshire Combined Authority Order 2014 (S.I. 2014/864), arts. 1(2), **11(a)**

C635 S. 142(2) modified (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), arts. 1, **11(a)**

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C636 S. 142(2) modified (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, **13(a)**

C637 S. 142(2) modified (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), **8(b)**

C638 S. 142(2) modified (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), arts. 1(2), **11(a)**

C639 S. 142(2) modified (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **26(b)**

C640 S. 142(2) modified (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **13(b)**

C641 S. 142(2) modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(e)**

C642 S. 142(2) modified (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **20(2)(b)** (with art. 28)

143 Subscriptions to local government associations.

(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)

C643 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**.

C644 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)**

C645 S. 143 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

144 Power to encourage visitors and provide conference and other facilities.

(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

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(b) provide, or encourage any other person or body to provide, facilities for [F654]. . ., 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.

[F655](3) . . . . . .

[F656](4) . . . . . .

(5) In this section "local authority" includes the Common Council.

Textual Amendments

F654 Word repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 81, **Sch. 2**

F655 S. 144(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**

F656 S. 144(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

C646 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)

C647 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)**

C648 S. 144: functions made exercisable concurrently (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 10, **Sch. 3 para. 1**

C649 S. 144: functions made exercisable concurrently (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), art. 1, **Sch. 2 para. 2**

C650 S. 144: functions made exercisable concurrently (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), art. 1, **Sch. 2 para. 2** (with art. 8(4))

C651 S. 144: functions made exercisable concurrently (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, 12(1), **Sch. 2 para. 2**

C652 S. 144: functions made exercisable concurrently (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), 7, **Sch. 2 para. 2**

C653 S. 144: functions made exercisable concurrently (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), art. 1(2), **Sch. 3 para. 2**

C654 S. 144: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), **Sch. 5 para. 1**

C655 S. 144: functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), 25(1), **Sch. 5 para. 2**

C656 S. 144: functions made exercisable (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **10(a)**

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C657 S. 144: functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **19** (with art. 28)

145 Provision of entertainments.

(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—

(a) the provision of an entertainment of any nature or of facilities for dancing;

(b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances;

(c) the maintenance of a band or orchestra;

(d) the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts;

(e) 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—

(a) 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;

(b) 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;

(c) 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.

(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 **[**[F657]alcohol**]** .

(5) In this section, the expression "local authority" includes the Common Council.

Textual Amendments

F657 Word in s. 145(4) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 59** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

Modifications etc. (not altering text)

C658 S. 145 amended and certain functions transferred by S.I. 1989/304, **art. 5(3)(h)(4)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C659 S. 145: functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **13**

C660 S. 145: functions made exercisable concurrently (8.5.2017) by The West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510), arts. 1(2), **19**

C661 S. 145: functions made exercisable concurrently (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **19** (with art. 28)

C662 S. 145(1) applied (16.7.1998) by 1998 c. ii, **s. 5(1)(a)**

146 Transfer of securities on alteration of area, etc.

(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 [M29]Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act.

[[F658](1A) In relation to Wales, subsection (1)(b) above shall have effect as if the reference to a county council were a reference to a principal council.**]**

(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 [M30]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;

[[F659]"securities" has the meaning given in section 98(1) above**]**

(3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which **[**[F660]the county court**]** would have jurisdiction if the application were an application made under the [M31]Trustee Act 1925, by that court.

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Textual Amendments

F658 S. 146(1A) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 33** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F659 Definition substituted by Financial Services Act 1986 (c. 60, SIF 69), s. 212(2), **Sch. 16 para. 8**(*b*)

F660 Words in s. 146(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C663 S. 146 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C664 S. 146 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C665 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)

C666 S. 146 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C667 S. 146 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C668 S. 146 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C669 S. 146 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C670 S. 146 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C671 S. 146 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C672 S. 146 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

C673 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

M29 1925 c. 19.

M30 1939 c. 40.

M31 1925 c. 19.

[F661146A Joint Authorities and Inner London Education Authority.

(1) [F662Subject to [F663subsections (1ZA), (1ZB) [F664, (1ZC)][F665, (1ZD) [F666, (1ZE) or (1ZF)]]] below,] a joint authority, [F667an economic prosperity board, a combined authority,]F668... [F669and][F670the London Fire Commissioner]F671... F672... [F673 shall each be] treated—

(a) as [F674a 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

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(b) as a principal council for the purposes of section 120 (except subsection (1) (*b*)) and sections 121 to 123 above.

[F675(1ZA) In its application by virtue of subsection (1) to an economic prosperity board, section 111 has effect as if it did not permit the borrowing of money.

(1ZB) In its application by virtue of subsection (1) to a combined authority, section 111 has effect as if it permitted the borrowing of money for the purposes of the exercise by the authority of its transport functions only.**]**

[F676(1ZC) Neither a metropolitan county fire and rescue authority, nor **[**F677the London Fire Commissioner**]**, is to be treated as a local authority for the purposes of section 111 above (but see section 5A of the Fire and Rescue Services Act 2004).**]**

[F678(1ZD) An Integrated Transport Authority is not to be treated as a local authority for the purposes of section 111 above (but see section 102B of the Local Transport Act 2008).

(1ZE) Neither an economic prosperity board, nor a combined authority, is to be treated as a local authority for the purposes of section 111 above (but see section 113A of the Local Democracy, Economic Development and Construction Act 2009).**]**

[F679(1ZF) The London Fire Commissioner is not to be treated as a local authority for the purposes of section 135.**]**

F680(1A) . . . . . .

F680(1AA) . . . . . .

F680(1B) . . . . . .

F680(1C) . . . . . .

F681(2) . . . . . .**]**

Textual Amendments

F661 S. 146A inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 16**

F662 Words in s. 146A(1) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 11(2)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3265, arts. 4, 5, **Sch.**

F663 Words in s. 146A(1) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 21(2)(a)**; S.I. 2009/3318, **art. 2(c)**

F664 Words in s. 146A(1) inserted (18.2.2012) by Localism Act 2011 (c. 20), **ss. 9(8)(a)**, 240(2); S.I. 2012/411, art. 2(c)

F665 Words in s. 146A(1) substituted (18.2.2012) by virtue of Localism Act 2011 (c. 20), **ss. 14(1)(a)**, 240(2); S.I. 2012/411, art. 2(e)

F666 Words in s. 146A(1) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 43(2)(a)**

F667 Words in s. 146A(1) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 21(2)(b)**; S.I. 2009/3318, **art. 2(c)**

F668 Words in s. 146A(1) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(h)**; S.I. 2015/994, art. 6(g)

F669 Word in s. 146A(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 108(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 29)

F670 Words in s. 146A(1) substituted (31.1.2017 for specified purposes, 22.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 43(2)(b)**; S.I. 2018/227, reg. 3(1)(d)(i)

Status: *Point in time view as at 04/04/2020.*
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F671 Word in s. 146A(1) repealed (3.7.2000) by virtue of 1999 c. 29, s. 423, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F672 Words in s. 146A(1) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 108(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 29)

F673 Words in s. 146A(1) substituted (31.10.1997) by 1997 c. 50, s. 88, **Sch. 6 para. 6(2)(b)**; S.I. 1997/2390, **art. 2(2)(v)**

F674 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**

F675 S. 146A(1ZA)(1ZB) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 21(3)**; S.I. 2009/3318, **art. 2(c)**

F676 S. 146A(1ZC) inserted (18.2.2012) by Localism Act 2011 (c. 20), **ss. 9(8)(b)**, 240(2); S.I. 2012/411, art. 2(c)

F677 Words in s. 146A(1ZC) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 43(3)**

F678 S. 146A(1ZD)(1ZE) inserted (18.2.2012) by Localism Act 2011 (c. 20), **ss. 14(1)(b)**, 240(2); S.I. 2012/411, art. 2(e)

F679 S. 146A(1ZF) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 43(4)**

F680 Ss. 146A(1A)-(1C) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 108(3)**; S.I. 2011/3019, art. 3, Sch. 1

F681 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)

C674 S. 146A(1) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*j*)

C675 S. 146A(1) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 3(j)**

PART VIII

FINANCE

Modifications etc. (not altering text)

C676 Pt. VIII (ss. 147–178) modified by S.I. 1983/249, reg. 2, **Sch. 4**

Expenses and receipts

[F682]147 . . . . . .

Textual Amendments

F682 S. 147 repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch.1**.

148 Principal councils' funds and accounts.

[F683](1) . . . . . .

(2) The council of each county shall keep a fund to be known as the county fund [F684]. . .

Status: *Point in time view as at 04/04/2020.*
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[F683](3) . . . . . .

[F685]**[**(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,

[F686]**[**(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.

[[F687](5A) Subsections (2) and (4) above shall not apply to the council for a county for any financial year for which that council is, by virtue of section 18(1) of the Local Government Act 1992, a billing authority for that year for the purposes of Part I of the Local Government Finance Act 1992.

[F687](5B) For any financial year for which the council for a county is, by virtue of section 18(1) of the Local Government Act 1992, a billing authority for that year for the purposes of Part I of the Local Government Finance Act 1992, subsection (5)(b) above, and not subsection (5)(a), shall apply in the case of the county.**]**

[[F688](6) This section does not apply in relation to a Welsh county council or county borough council.**]**

Textual Amendments

F683 S. 148(1)(3) repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch. 1**.

F684 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F685 S. 148(4) substituted (21.8.1991)) by S.I. 1991/1730, arts. 1, 2(2), **Sch. 2**, Pt. I.

F686 S. 148(5): words in s.148(5) substituted (21. 8. 1991) by S.I 1991/1730, arts. 1, 2(2)(b)

F687 S. 148(5A)(5B) added (28.11.1994) by S.I. 1994/2825, **reg. 4**

F688 S. 148(6) added (3.4.1995) by 1994 c. 19, s. 38(11), **Sch. 12 para. 1** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, **art. 6(1)(3)**

Modifications etc. (not altering text)

C677 S. 148(2) modified by Local Government Act 1985 (c. 51, SIF 81:1), **s. 63(2)(6)**

C678 S. 148(4) applied (with modifications) (28.11.1994) by S.I. 1994/2825, **reg. 16(1)(b)**

C679 S. 148(5) applied (28.11.1994) by S.I. 1994/2825, **reg. 16(3)**

[F689]**149 . . . . . .**

Textual Amendments

F689 S. 149 repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch. 1**.

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150 Expenses of parish and community councils.

[F690](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 **[**[F691]principal area**]** in which the community is situated.

[F692](4) . . . . . .

[F693](5) . . . . . .

(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

F690 S. 150(1) repealed (1.4.1993) by S.I. 1993/616, art. 2, **Sch. 1 Pt. I** (with art. 4).

F691 Words in S. 150(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 34** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F692 S. 150(4) repealed (21.8.1991) by S.I. 1991/1730, arts. 1, 2(1), **Sch. 1**.

F693 S. 150(5) omitted (12.3.2014) by virtue of The Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014 (S.I. 2014/580), arts. 1(c), **2**

151 Financial administration.

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)

C680 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)

C681 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)**

C682 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.

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.

[F694]153 Application of capital money on disposal of land.

. . . . . .

Textual Amendments

F694 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**

[F695]154–167 . . . . . .

Textual Amendments

F695 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.

(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;

[[F696](b) in the case of any **[**[F697]billing authority**]**—

(i) of the amount payable to the authority by way of **[**[F698]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.

Status: *Point in time view as at 04/04/2020.*
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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.

[[F699](5) In this section "local authority" means—

[F700]**[** a billing authority or a precepting authority, as defined in section 69 of the

[F701](a) Local Government Finance Act 1992;

[[F701](aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;**]]**

(b) a levying body within the meaning of section 74 of **[**[F702]the Local Government Finance Act 1988**]** ; [F703]. . .

(c) a body as regards which section 75 of that Act applies**]**

Textual Amendments

F696 S. 168(1)(*b*) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 17**

F697 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**

F698 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**

F699 S. 168(5) substituted by S.I. 1990/776, art. 8, **Sch. 3 para. 18**

F700 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**

F701 S. 168(5)(aa) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 41(2)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F702 Words in s. 168(5)(b) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 41(3)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F703 Word in s. 168(5) omitted (3.7.2000) by virtue of 1999 c. 29, ss. 109(1), 423, **Sch. 34 Pt. I** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**

Modifications etc. (not altering text)

C683 S. 168 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. 168 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)**

169 Initial expenses of new authorities.

[F704] . . . . . .

Textual Amendments

F704 S. 169 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Status: *Point in time view as at 04/04/2020.*
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[F705]170 . . . . . .

Textual Amendments
F705 S. 170 repealed by Rates Act 1984 (c. 33, SIF 103:1), **ss. 16(3)**, 19

[F706]171 . . . . . .

Textual Amendments
F706 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.

[F707]. . . 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.

Textual Amendments
F707 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.

[[F708](1) Subject to subsection (6) below, any member of a **[**[F709]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 **[**[F709]parish or community council**]** may determine **[**[F710]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 **[**[F709]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 **[**[F711]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 **[**[F712]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.

[F713](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

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F709 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))

F710 Words added by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), **s. 24(1)(3)**

F711 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))

F712 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))

F713 S. 173(5) repealed by S.I. 1977/1710, **art. 3(c)**

Modifications etc. (not altering text)

C684 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))

C685 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)))

C686 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)**

C687 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C688 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)**

C689 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**

C690 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**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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)**

C691 S. 173(4) applied (with modifications) (E.) (1.2.2012) by The School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9), regs. 1(1), **6(1)** (with reg. 2)

[F714 173A Right to opt for financial loss allowance.

[F708 (1) If a councillor gives notice in writing to the [F715 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 [F715 parish or community council] not later than the end of the period of [F716 one month beginning with the day of] his election as a member of the [F717 council] [F718 then, subject to subsection (4A) below], he shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after the giving of the notice.

[F719 (4) If a councillor gives a financial loss allowance notice to the [F715 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 [F715 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

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F714 S. 173A inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), **s. 24(2)(3)**

F715 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)**

F716 Words substituted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), **s. 7(1)(2)**

F717 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)**

F718 Words inserted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1), **s. 7(1)(2)**

F719 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)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C692 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)**

C693 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)**

C694 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C695 S. 173A(3) modified by S.I. 1985/1884, art. 10, **Sch. 3 para. 3**(*a*)

C696 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.

[[F708](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 **[**[F720]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 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.

[F721](3) . . . . . .**]**

Textual Amendments

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F720 Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), **s. 25(1)**

F721 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)

C697 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**

C698 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**

C699 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)**

C700 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**

C701 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)))

C702 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)**

C703 S. 174 disapplied (W.) (29.9.2004) by The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555), **reg. 20**

C704 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)**

C705 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C706 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)**

C707 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**

C708 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)}

C709 S. 174(1) applied (with modifications) (E.) (1.2.2012) by The School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9), regs. 1(1), **6(2)** (with reg. 2)

C710 S. 174(1) applied (with modifications) (1.9.2012) by The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033), reg. 1(1), **Sch. 1 para. 6(3)** (with reg. 1(2))

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

175 Allowances for attending conferences and meetings.

[[F708](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 **[**[F722]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 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.

[[F723](3B) **[**[F724]In relation to **[**[F725]an economic prosperity board, a combined authority or**]** any**][**[F726]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.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F722 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**; S.I. 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)

F723 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

F724 Words inserted by virtue of Water Act 1983 (c. 23, SIF 130), s. 11(2), **Sch. 4 para. 7**

F725 Words in s. 175(3B) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 44**; S.I. 2018/227, **reg. 4(c)**

F726 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)

C711 S. 175 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 5**
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)**
S. 175: 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. 175 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)**

C712 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)**

C713 S. 175 disapplied (W.) (29.9.2004) by The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555), **reg. 20**

C714 S. 175 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. 175 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)**

C715 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C716 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**
S. 175(3B) applied (with modifications) (24.3.2005) by S.I. 2005/421, art. 16, **Sch. 3 para. 1(1)**

C717 S. 175(3B) applied (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), art. 1, **Sch. 3 para. 1(1)**

C718 S. 175(3B) applied (1.7.2015) by The National Park Authorities (England) Order 2015 (S.I. 2015/770), art. 1, **Sch. 3 para. 1**

176 Payment of expenses of official and courtesy visits, etc.

[F708(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;

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(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.

(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.

[[F727](3) In this section "local authority" includes a joint authority, **[**[F728]an economic prosperity board, **[**[F729]and**]** a combined authority**]**[F730]...[F731].... . .**]]**

Textual Amendments

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F727 S. 176(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 18**

F728 Words in s. 176(3) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 23**; S.I. 2009/3318, **art. 2(c)**

F729 Word in s. 176(3) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 45(a)**; S.I. 2018/227, **reg. 4(c)**

F730 Words in s. 176(3) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(j)**; S.I. 2015/994, art. 6(g)

F731 Words in s. 176(3) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 45(b)**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

C719 S. 176 restricted by S.I. 1991/351, **reg. 21**
S. 176 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S. 176: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
S. 176 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S. 176: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
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)**
S. 176: 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. 176 restricted (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. 16(2)**
S. 176 restricted (W.) (1.4.2003) by The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (S.I. 2003/895), **reg. 12(2)**

C720 S. 176 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. 176 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)**

C721 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

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C722 S. 176 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C723 S. 176(1)(a) restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(b)(2)**

C724 S. 176(2) applied (with modifications) (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(4)**

C725 S. 176(2) restricted (E.) (1.5.2003) by The Local Authorities (Members' Allowances) (England) Regulations 2003 (S.I. 2003/1021), **reg. 34(1)(b)(2)**

C726 S. 176(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*l*)

C727 S. 176(3) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(1)**

177 Provisions supplementary to sections 173 to 176.

[[F708]**[**[F732](1) [F733] ... 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.**]**

[[F734](1A) Subsection (1) has effect without prejudice to the operation of—

(a) regulations made by virtue of section 94(5C) or 95(3B) of the School Standards and Framework Act 1998 (allowances for admission appeal panels);

[F735](b) . . . . . .

[[F736](ba) regulations made by virtue of section 51A(8) of the Education Act 2002 (allowances for exclusion review panels: England);**]**

and

(c) regulations made by virtue of section 52(6) of **[**[F737]that Act (allowances for exclusion appeal panels: Wales); and**].]**

[[F738](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.**]**

[[F739](2A) . . . . . .**]**

(3) For the purposes of sections 173 to 176 above [F740] ... 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 **[**[F741]or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989**]**.

[F742](5) . . . . . .**]**

Textual Amendments

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F732 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)**; S.I. 1991/344, **art. 3(2)** (with saving in Sch. para. 1(1)(b))

F733 Words in s. 177(1) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 3(2), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F734 S. 177(1A) substituted (20.1.2003 for E. and 31.5.2005 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2952, **art. 2**; S.I. 2005/1395, **art. 4** Sch.

F735 S. 177(1A)(b) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), ss. 30, 184, 188, Sch. 3 para. 1, **Sch. 18 Pt. 3**; S.I. 2007/935, **art. 7(g)(m)(o)(q)**

F736 S. 177(1A)(ba) inserted (1.9.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 1 para. 1(a)**; S.I. 2012/1087, art. 3 (with art. 4)

F737 Words in s. 177(1A)(c) substituted (1.9.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 1 para. 1(b)**; S.I. 2012/1087, art. 3 (with art. 4)

F738 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)**

F739 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)**

F740 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)**

F741 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)**

F742 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)

C728 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**

C729 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 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**

C730 S. 177 modified (1.4.1999) by S.I. 1999/1016, art. 6, **Sch. 4 para. 9**
S. 177: 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. 177 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)**

C731 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C732 S. 177(1) modified (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), art. 1, **Sch. 3 para. 1(2)**

C733 S. 177(1)(b) applied (with modifications) (23.11.1995) by S.I. 1995/2803, art. 18, **Sch. 5 para. 2**
S. 177(1)(b) applied (with modifications) (24.3.2005) by S.I. 2005/421, art. 16, **Sch. 3 para. 1(2)**

Status: *Point in time view as at 04/04/2020.*
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C734 S. 177(1)(b) applied (with modifications) (1.7.2015) by The National Park Authorities (England) Order 2015 (S.I. 2015/770), art. 1, **Sch. 3 para. 2**

[F743]177A . . . . . .

Textual Amendments

F743 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)**

178 Regulations as to allowances.

[[F708](1) The Secretary of State may make regulations as to the manner in which sections 173 to 176 [F744] . . . 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 **[**[F745]or 177**]** above or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F708 Ss. 173-178 repealed (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), Sch. 3 para. 1(3), **Sch. 4 Pt. F**; S.I. 2012/1187, art. 2(1)(q)(2)(m)

F744 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)**

F745 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)

C735 S. 178 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C736 S. 178 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C737 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)**

C738 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 14(2)**

C739 S. 178 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

Status: *Point in time view as at 04/04/2020.*
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C740 S. 178 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C741 S. 178 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C742 S. 178 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C743 S. 178 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C744 S. 178 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C745 S. 178 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

PART IX

FUNCTIONS

General

179 General provision for transfer of functions.

(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

(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.

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The environment

180 Public health.

(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;

[[F746](e) for a Welsh county or county borough, be the county council or county borough council;**]**

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 [M32]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;

[[F747](b) the [M33]Alkali, &c. Works Regulation Act 1906;**]**

(c) the [M34]Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;

[[F748](d) section 8 of the [M35]Local Government (Miscellaneous Provisions) Act 1953;**]**

(e) Part XIII of the [M36]Mines and Quarries Act 1954;

[F749](f) . . . . . .

[[F748](g) section 1 of the [M37]Noise Abatement Act 1960;**]**

(h) the [M38]Public Health Act 1961, except so much of it as falls within section 181(2) below;

[F750](i) . . . . . .

[F751](j) . . . . . .

(k) section 6 of the [M39]Chronically Sick and Disabled Persons Act 1970.

(4) Expressions used in this section and Schedule 14 to this Act and in the [M40]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

F746 S. 180(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 35** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F747 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**

F748 S. 180(3)(d)(g) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

F749 S. 180(3)(f) repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**.

F750 S. 180(3)(*i*) 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 04/04/2020.*
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F751 S. 180(3)(*j*) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

Marginal Citations

M32 1936 c. 49.
M33 1906 c. 14.
M34 1936 c. 49.
M35 1953 c. 26.
M36 1954 c. 70.
M37 1960 c. 68.
M38 1961 c. 64.
M39 1970 c. 44.
M40 1936 c. 49.

181 Water and sewerage.

(1) For the purposes of the following enactments, that is to say—

(a) Part IV of the [M41]Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;

(b) the [M42]Rural Water Supplies and Sewerage Act 1944, so far as relating to water;

(c) section 12 of the [M43]Local Government (Miscellaneous Provisions) Act 1953;

(d) the [M44]Water Acts 1945 [M45] and 1948 and the [M46]Water Act 1958;

the local authority shall, for any district, be the district council, and for any London borough, be the borough council **[**[F752]and for any principal area in Wales, be the principal council**]**.

(2) For the purposes of the following enactments, that is to say—

(a) **[**[F753]sections 15, 17–24, 27, 29–34, 36 and 42**]** of the [M47]Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;

(b) the [M48]Public Health (Drainage of Trade Premises) Act 1937;

(c) the [M49]Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;

(d) section 13 of the [M50]Local Government (Miscellaneous Provisions) Act 1953;

(e) sections 12 to 15 and Part V of, and Schedule 2 to, the [M51]Public Health Act 1961;

the local authority shall for any area outside Greater London be the district council.

[F754](3) . . . . . .

(9) An order under section 6 of the [M52]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 constitutent 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.

Status: *Point in time view as at 04/04/2020.*
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[X1](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

. . . . . [F755]

Editorial Information

X1 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.

Textual Amendments

F752 Words in s. 181(1) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 36** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F753 Words substituted by Building Act 1984 (c. 55, SIF 15), ss. 133, 135, **Sch. 6 para. 14**

F754 Ss. 177(1)(b), 181(3)–(8) repealed by Water Act 1973 (c. 37), **Sch. 9**

F755 Definition repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Marginal Citations

M41 1936 c. 49.
M42 1944 c. 26.
M43 1953 c. 26.
M44 1945 c. 42.
M45 1948 c. 22.
M46 1958 c. 67.
M47 1936 c. 49.
M48 1937 c. 40.
M49 1944 c. 26.
M50 1953 c. 26.
M51 1961 c. 64.
M52 1936 c. 49.

182 Town and Country Planning.

[F756](1) . . . . . .

[F757](2) . . . . . .

(3) In that Schedule—

[F757](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

[F757](c) . . . . . .

[F757](4) . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F756 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**

F757 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**

[F758]183 . . . . . .

Textual Amendments

F758 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.

[[F759](1) The functions conferred on a local planning authority by or under the National Parks and Access to the [M53]Countryside Act 1949 and the [M54]Countryside Act 1968 shall—

(a) as respects England elsewhere than in the metropolitan counties, Greater London and the Isles of Scilly, be exercisable in accordance with the following provisions of this section; and

(b) as respects Wales, be exercisable in accordance with **[**[F760]subsections (7) and (8) below**].]**

(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 [F761]. . ., be functions of the county planning authority.

(3) The functions of a local planning authority under **[**[F762]section 9**]** 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, [F763]. . ., 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.

[F764](6) . . . . . .

(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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F759 S. 184(1) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 para. 1** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F760 Words in s. 184(1)(b) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 10(2)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, **art. 2**

F761 Words in s. 184(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F762 Words in s. 184(3) substituted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F763 Words in s. 184(4) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F764 S. 184(6) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Modifications etc. (not altering text)

C746 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

M53 1949 c. 97.

M54 1968 c. 41.

185 Town development.

(1) In the [M55]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 ".

[F765](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 [M56]Housing Act 1961 and subsections (1) and (2) of section 61 of the [M57]London Government Act 1963 (modification of principal Act in relation to counties and to Greater London).

(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

F765 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**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Marginal Citations

M55 1952 c. 54.
M56 1961 c. 65.
M57 1963 c. 33.

186 Traffic and transportation functions.

F766(1) . . . . . .

F767(2) . . . . . .

F768(3) . . . . . .

F766(4) . . . . . .

F769(5) . . . . . .

(6) So much of section 6 of the M58Transport 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;

and so much of section 1(2) of the M59Ferries (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

F766 S. 186(1)(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Gp. 1.
F767 S. 186(2) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, **Sch. 2**
F768 S. 186(3) repealed by Transport Act 1980 (c. 34, SIF 107:1), s. 69, **Sch. 9 Pt. I**
F769 S. 186(5) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Marginal Citations

M58 1954 c. 64.
M59 1919 c. 75.

187 Local highway authorities and maintenance powers of district councils.

F770(1) . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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) With respect to footpaths **[**[F771], bridleways and restricted byways**]** within their area a district council **[**[F772]or, where they are not the highway authority, a Welsh principal council**]** shall have—

(a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the [M60]Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and

[F770](b) . . . . . .

[[F773](3A) "Restricted byway" has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.**]**

[F770](4) . . . . . .

Textual Amendments

F770 S. 187(1)(2)(3)(*b*)(4)–(8) repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

F771 Words in s. 187(3) substituted (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(2)(4), 2(2), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

F772 Words in s. 187(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 37** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F773 S. 187(3A) inserted (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(2)(4), 2(2), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

Modifications etc. (not altering text)

C747 S. 187 applied (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172; S.I. 2006/1279

Marginal Citations

M60 1949 c. 97.

[F774]188 . . . . . .

Textual Amendments

F774 S. 188 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

189 Commons.

(1) [F775]. . . . . .

(2) [F775]. . . . . .

(3) The references in section 12 of the [M61]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;

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(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 **[**[F776]or Welsh principal area**]** 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 **[**[F777]or (as the case may be) area**]**.

[X2](4) In section 193(1) of the [M62] 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 ".

Editorial Information

X2 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.

Textual Amendments

F775 S. 189(1)(2) repealed (1.10.2006 for E and 6.9.2007 for W.) by Commons Act 2006 (c. 26), ss. 53, 56, **Sch. 6 Pt. 1** (with s. 60); S.I. 2006/2504, **art. 2(h)**; S.I. 2007/2386, **art. 3(p)(ii)**

F776 Words in s. 189(3)(c) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 38(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F777 Words in s. 189(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 38(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M61 1857 c. 31.

M62 1925 c 20.

190 Sites for gipsy encampments.

[F778] . . . . . .

Textual Amendments

F778 S. 190 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

191 Ordnance survey.

(1) In its application outside Greater London, the [M63]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 **[**[F779](or, in Wales, a principal 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.

Status: *Point in time view as at 04/04/2020.*
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[F780](3) . . . . . .

(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 **[**[F779]or, in Wales, the principal council)**]**, 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 **[**[F779](or, in Wales, the principal council)**]**.

(5) [F781]. . . References in that Act to a county include references to any **[**[F782]preserved county or**]** local government area within the meaning of this Act.

Textual Amendments

F779 Words in s. 191(2)(4)(a)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 39(a)(b)(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F780 S. 191(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Gp. 1.

F781 Words in s. 191(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F782 Words in s. 191(5) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 39(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M63 1841 c. 30.

Education, social and welfare services

[F783]**192 . . . . . .**

Textual Amendments

F783 S. 192 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39 paras. 5, 6, 8, 30, 39, 50)

[F784]**193, ...**
194.

Textual Amendments

F784 Ss. 193, 194 repealed by Housing (Consequential Provisions) Act 1985 (c. 67, SIF 61), ss. 3, 6, **Sch. 1 Pt. I**

195 Social services functions.

(1) Outside Greater London, the local authorities for the purposes of the [M64]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

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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 **[**[F785]in England**]** 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 [M65]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 [M66]Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and

(b) schemes approved under section 34 of the [M67]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, [F786]. . ., 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.

(4) Any delegation scheme under section 46 of the [M68]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 [M69]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.

[[F787](7) In section 64(1) of the [M70]National Assistance Act1948 (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

F785 Words in s. 195(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 40(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F786 Words in s. 195(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 40(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F787 S. 195(7) added (*retrospectively*) by Health Services Act 1980 (c. 53, SIF 113:2), **s. 23**

Marginal Citations

M64 1970 c. 42.
M65 1946 c. 81.
M66 1968 c. 46.
M67 1948 c. 29.
M68 1958 c. 55.
M69 1969 c. 54.
M70 1948 c.29**(81:3)**.

Miscellaneous functions

F788 196 . . . . . .

Textual Amendments

F788 S. 196 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

197 Fire services.

(1) F789 . . . . . .

(2) F789 . . . . . .

(3) F789 . . . . . .

F790 (4) . . . . . .

X3 (5) In section 10 of the M71 Fire Services Act 1947, as amended by Schedule 8 to the M72 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 "F791 . . .

Editorial Information

X3 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

F789 S. 197(1)-(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}
F790 S. 197(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, **Sch. 6 Pt. IV**
F791 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**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Marginal Citations

M71 1974 c. 41.

M72 1958 c. 55.

[F792]198, ...
199.

Textual Amendments

F792 Ss. 198, 199 repealed by Food Act 1984 (c. 30, SIF 53:1), ss. 134, 136, **Sch. 11**

[F793]200 . . . . . .

Textual Amendments

F793 S. 200 repealed (1.4.1996) by 1994 c. 19, s. 66(8), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

[F794]201 . . . . . .

Textual Amendments

F794 S. 201 repealed by Weights and Measures Act 1985 (c. 72, SIF 131), ss. 95, 98, **Sch. 10 para. 1**(*j*), Sch. 13

202 Public transport in passenger transport areas.

[F795](1) . . . . . .

(2) [F796]. . ., Part II of the [M73]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 [M74]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) [F797]. . . . . .

[F798](4) . . . . . .

(8) Expressions used in this section have the same meanings as in the [M75]Transport Act 1968.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F795 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

F796 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

F797 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

F798 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

M73 1968 c. 73.

M74 1969 c. 35.

M75 1968 c. 73.

[F799]203 . . . . . .

Textual Amendments

F799 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.

[F800] . . . . . .

Textual Amendments

F800 S. 204 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, 201(2), Sch. 6 para. 60, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

[F801]205 . . . . . .

Textual Amendments

F801 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).

The local authorities for the purposes of the [M76]Public Libraries and Museums Act 1964 in England shall be county councils, [F802]. . ., 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;

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(c) the council of a metropolitan district;

shall be a library authority for those purposes.

Textual Amendments

F802 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Marginal Citations

M76 1964 c. 75.

F803207 . . . . . .

Textual Amendments

F803 s. 207 repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 42, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

208 Amendments of Public Libraries and Museums Act 1964.

(1) It shall not be necessary for any local authority within the meaning of the [M77]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 ".

(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.

[X4](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 ";

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(f) in section 11(2), the reference to section 60(2) of the [M78] 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

X4 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

M77 1964 c. 75.

M78 1958 c. 55.

[F804]209 . . . . . .

Textual Amendments

F804 S. 209 repealed by Employment and Training Act 1973 (c. 50), **Sch. 4**

210 Charities.

(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—

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(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 [M79]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—

(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

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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.

[F805](8) . . . . . .

[F806](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 [M80]Charities Act 1960.

Textual Amendments

F805 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**

F806 S. 210(9) repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7**.

Modifications etc. (not altering text)

C748 S. 210 excluded by National Health Service Reorganisation Act 1973 (c. 32), **s. 25(4)**

Marginal Citations

M79 1960 c. 58.

M80 1960 c. 58.

211 Welsh Church funds.

(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 [M81]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.

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(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 [M82]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

M81 1914 c. 91.
M82 1914 c. 91.

[F807]212 . . . . . .

Textual Amendments

F807 S. 212 repealed by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 19(1), **Sch. 2**

213 Local licence duties.

[F808] . . . . . .

Textual Amendments

F808 S. 213 repealed (1.8.2007) by The Regulatory Reform (Game) Order 2007 (S.I. 2007/2007), art. 6, **Sch. para. 1(m)**

214 Cemeteries and crematoria.

(1) The following authorities, that is to say, the councils of **[**[F809]Welsh counties, county boroughs**]** 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

(b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the [M83]Burial Act 1852 or section 53(2) of the [M84]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

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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 [M85]Cremation Acts 1902 [M86] 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).

Textual Amendments

F809 Words in s. 214(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 44** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M83 1852 c. 85.
M84 1894 c. 73 (56 & 57 Vict.).
M85 1902 c. 8.
M86 1952 c. 31.

215 Maintenance of a closed churchyard.

(1) Subject to subsection (2) below, where outside the area subject to the [M87]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—

(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 **[**[F810]county or county borough**]** in which the community is situated; or

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(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 **[**[F811]district, Welsh county or (as the case may be) county borough**]** and to the parochial church council maintaining the churchyard, the **[**[F812]local authority to whom the notice is given**]** , 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 [M88]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 [M89]Welsh Church Act 1914.

(5) In subsection (1) above, "the area subject to the [M90]Welsh Church Act 1914" means the area in which the Church of England was disestablished by that Act.

Textual Amendments

F810 Words in s. 215(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F811 Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F812 Words in s. 215(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 45(3)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M87 1914 c. 91.

M88 1855 c. 128.

M89 1914 c. 91.

M90 1914 c. 91.

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PART X

JUDICIAL AND RELATED MATTERS

216 Adaptation of law relating to old counties.

(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 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 [F813]. . . , 218 and 219 below the Isles of Scilly shall be deemed to form part of the county of Cornwall.

Textual Amendments

F813 Section number repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

217 [F814](1) . . . . . .

[F815](4) . . . . . .

[F814](5) . . . . . .

[F815](6) . . . . . .

[F816](7) . . . . . .

Textual Amendments

F814 S. 217(1)–(3)(5) repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F815 S. 217(4)(6) repealed by Administration of Justice Act 1973 (c. 15), s. 20(5), **Sch. 5 Pt. II**

F816 S. 217(7) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

[F817]218 . . . . . .

Textual Amendments

F817 S. 218 repealed by Reserve Forces Act 1980 (c. 9, SIF 7:2), s. 157, **Sch. 10 Pt. II**

219 Sheriffs and under-sheriffs.

(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.

[F818](2) . . . . . .

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(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 Greater Manchester, Merseyside and Lancashire [F819]. . ..

(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 [M91]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 [F820]. . . by the bailiff of a franchise.

(8) In this section **[**[F821]"county" has the same meaning as in the Sheriffs Act 1887 and**]**"Greater London" does not include the City or the Temples.

[[F822](9) In subsections (1) and (5) above "county", in relation to Wales, means a preserved county.**]**

Textual Amendments

F818 S. 219(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Gp. 1.

F819 Words in s. 219(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Gp. 1.

F820 Words in s. 219(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F821 Words in s. 219(8) inserted (1.4.1996) by S.I. 1995/1748, **regs. 1(2)**, 8(2)

F822 S. 219(9) added (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 6** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

Marginal Citations

M91 1887 c. 55.

[F823]220 . . . . . .

Textual Amendments

F823 S. 220 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), **Sch. 4**

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221 Abolition of borough civil courts.

F824 . . . . . .

Textual Amendments

F824 S. 221 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal proceedings

222 Power of local authorities to prosecute or defend legal proceedings.

(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 **[**[F825]and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004**][**[F826]and the London Fire Commissioner**]**.

Textual Amendments

F825 Words in s. 222(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 26**; S.I. 2017/399, reg. 2, Sch. para. 38

F826 Words in s. 222(2) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 46**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

C749 S. 222 amended by S.I. 1990/1765, **art. 4(3)**

C750 S. 222 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.
S. 222: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.

C751 S. 222 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
S. 222: certain functions transferred (10.1.1992) 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)

C752 S. 222 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)(h)**
S. 222 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)(h)**

C753 Ss. 222-223 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C754 S. 222 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C755 Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C756 S. 222 modified (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, **11(b)**

C757 S. 222 modified (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), arts. 1, **11(b)**

C758 S. 222 modified (1.4.2014) by The West Yorkshire Combined Authority Order 2014 (S.I. 2014/864), arts. 1(2), **11(b)**

C759 S. 222 modified (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **14(b)** (with art. 8(4))

C760 S. 222 modified (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, **13(b)**

C761 S. 222 modified (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), **8(c)**

C762 S. 222 modified (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), arts. 1(2), **11(b)**

C763 S. 222 modified (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **26(c)**

C764 S. 222 modified (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **13(c)**

C765 Ss. 222-223 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C766 S. 222 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(f)**

C767 S. 222 modified (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **20(2)(c)** (with art. 28)

223 Appearance of local authorities in legal proceedings.

(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, **[**[F827]to conduct any such proceedings.**]**

(2) In this section "local authority" includes the Common Council **[**[F828], a joint authority, **[**[F829]an economic prosperity board, a combined authority,**][**[F830]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]**[F831]... **[**[F832] the Greater London Authority**][**[F833]and**][**[F834], a **[**[F835]police and crime commissioner and the Mayor's Office for Policing and Crime**]]** ...**]** ...

Textual Amendments

F827 Words in s. 223(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 28** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)

F828 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 21**

F829 Words in s. 223(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 24**; S.I. 2009/3318, **art. 2**

F830 Words in s. 223(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 27**; S.I. 2017/399, reg. 2, Sch. para. 38

F831 Words in s. 223(2) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(k)**; S.I. 2015/994, art. 6(g)

F832 Words in s. 223(2) inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 2**

F833 Word in s. 223(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 17(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F834 Words in s. 223(2) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 12**; S.I. 1994/2025, **art. 6** and S.I. 1994/3262, arts. 4, 5, **Sch.**

F835 Words in s. 223(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 109**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 30)

Modifications etc. (not altering text)

C753 Ss. 222-223 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**

C755 Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C765 Ss. 222-223 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C768 S. 223 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12**(*f*)

C769 S. 223 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S. 223: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**

C770 S. 223 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S. 223: certain functions transferred (10.1.1992) 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))
S. 223 amended (3.1.1995) by 1994 c. 40, ss. 76, 82(2), **Sch. 16 para. 3**
S. 223 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(d)**
S. 223 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)
S. 223 applied (18.7.1996) by S.I. 1996/1880, **art. 76**
S. 223: 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)(xii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

C771 S. 223 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)(h)**
S. 223 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)(h)**

C772 S. 223 applied (4.2.2005) by The Local Authorities (Contracting Out of BID Levy Billing, Collection and Enforcement Functions) Order 2005 (S.I. 2005/215), **art. 21**

C773 S. 223 modified (E.) (11.5.2007) by The Local Authorities (Contracting Out of Anti-social Behaviour Order Functions) (England) Order 2007 (S.I. 2007/1441), **art. 4**

C774 S. 223 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**

C775 S. 223 applied (7.12.2011) by The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 (S.I. 2011/2918), arts. 1(1), **10**

C776 S. 223 applied (15.3.2018) by City of London Corporation (Open Spaces) Act 2018 (c. i), **s. 15** (with ss. 3, 4(2))

C777 S. 223(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*m*)

C778 S. 223(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(m)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C779 S. 223(2) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 2(b)**

Documents and notices, etc.

224 Arrangements by principal councils for custody of documents.

[[F836](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.

[[F837](2) This section applies to a joint authority **[**[F838], economic prosperity board**][**[F839]or combined authority**]**[F840] ... as it applies to a principal council.**]**

[[F841](3) In subsection (1) above "county", in relation to Wales, means a preserved county.**]**

Textual Amendments

F836 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**

F837 S. 224(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 22**

F838 Words in s. 224(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 25**; S.I. 2009/3318, **art. 2(c)**

F839 Words in s. 224(2) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(l)**; S.I. 2015/994, art. 6(g)

F840 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F841 S. 224(3) added (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 7** (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)

C780 S. 224 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12**(*g*)

C781 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**.

C782 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(5), 125(2), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
S. 224 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**

C783 S. 224 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)(b)**
S. 224 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)(b)**

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C785 S. 224 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**
C786 S. 224 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**
C787 S. 224(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)
C788 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.

(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 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 **[**[F842]principal council**]**.

[[F843](3) In this section "local authority" includes a joint authority **[**[F844], an economic prosperity board **[**[F845]and a combined authority**]]]**

Textual Amendments

F842 Words in s. 225(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 46** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
F843 S. 225(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 23**
F844 Words in s. 225(3) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 26**; S.I. 2009/3318, **art. 2(c)**
F845 Words in s. 225(3) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(m)**; S.I. 2015/994, art. 6(g)

Modifications etc. (not altering text)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
C789 S. 225 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 121**(*g*)
C790 S. 225 modified (7.8.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**.
S. 225: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
C791 S. 225 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
S. 225: certain functions transferred (10.1.1992) 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)**
S. 225 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)
S. 225 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**

Status: *Point in time view as at 04/04/2020.*
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C792 S. 225 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C793 S. 225 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C794 S. 225(1) 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)(b)**
S. 225(1) 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)(b)**

C795 S. 225(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C796 S. 225(3) modified by S.I. 1987/2110, **art. 2** (2), Sch. 1 para. 3(n)

226 Custody of parish and community documents.

(1) All specified papers of a parish or community shall—

(a) 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

(b) 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 **[**[F846]principal 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 [M92]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.

(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—

(a) in a parish or community having a separate parish or community council, that council;

(b) in any other parish, the parish meeting;

(c) in any other community, the **[**[F846]principal council**]**; and

(d) 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 **[**[F847]Wales or in**]** a **[**[F848]metropolitan district,**]** London borough or the City, be determined by the Secretary of State and in any other case by the county council.

(5) **[**[F849]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 [F850]. . . or parish meeting **[**[F851]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 [F850]. . . or parish meeting.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[[F852](6) Subsection (5) above shall also apply in relation to community councils but as if the functions conferred by it were functions of the principal council.**]**

Textual Amendments

F846 Words in s. 226(1)(3)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F847 Words in s. 226(4) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F848 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 22(2)**(*a*)

F849 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 22(2)**(*b*)

F850 Words in s. 226(5) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 47(4), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F851 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1) s. 16, Sch. 8 para. 22(2)(*b*)

F852 S. 226(6) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C797 S. 226 modified (07.08.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**.
S. 226: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

Marginal Citations

M92 1894 c. 73 (56 & 57 Vict.).

227 Provision of depositories for parish and community documents.

(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 [F853]. . . is situated **[**[F854]or the council of the principal area in which the 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 [F853]. . . is situated **[**[F854]or the council of the principal area in which the 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.

Textual Amendments

F853 Words in s. 227(1)(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 48, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F854 Words in s. 227(1)(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 48** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

C798 S. 227 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2
S. 227: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

228 Inspection of documents.

(1) The minutes of proceedings of a **[**[F855]parish or community council**]** shall be open to the inspection of any local government elector for the area of the **[**[F855]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.

[F856](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 **[**[F857]level 1 on the standard scale**]**.

[[F858](7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority **[**[F859], an economic prosperity board, **[**[F860]or**]** a combined authority**]**[F861]. . . . . as if that authority were a local authority and as if, [F862]. . ., 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.**]**

[F863](7B) . . . . . .

(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a **[**[F864]parish council**]**.

[[F865](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.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F855 Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)**(*a*)

F856 S. 228(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

F857 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F858 S. 228(7A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 24**

F859 Words in s. 228(7A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 27**; S.I. 2009/3318, **art. 2(c)**

F860 Word in s. 228(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 110(a)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 31)

F861 Words in s. 228(7A) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 110(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 31)

F862 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F863 S. 228(7B) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(n)**; S.I. 2015/994, art. 6(g)

F864 Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)**(*b*)

F865 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)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C799 S. 228 modified (7.8.1991) by S.I.1991/1773, art.8(2), **Sch. 2**
S. 228: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
S. 228 applied (with modifications) (28.6.1995) by 1995 c. iii, s. 26, **Sch. 1**
S. 228 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(b)**
S. 228 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 228: 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)(xiii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 228 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**

C800 S. 228 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)(c)**
S. 228 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)(c)**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C803 S. 228(1) applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C804 S. 228(2)(3) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(c)**

C805 S. 228(7A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C806 S. 228(7A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

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229 Photographic copies of documents.

(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 [M93]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 [M94]Civil Evidence Act 1968 **[**[F866]and "local authority" includes a joint authority, **[**[F867]an economic prosperity board, a combined authority**]**[F868]... **[**[F869], **[**[F870]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]** a police and crime commissioner and the Mayor's Office for Policing and Crime**]** . . . [F871]. . .**]**

Textual Amendments

F866 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 25**

F867 Words in s. 229(8) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 28**; S.I. 2009/3318, **art. 2(c)**

F868 Words in s. 229(8) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(o)**; S.I. 2015/994, art. 6(g)

F869 Words in s. 229(8) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 111**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 32)

F870 Words in s. 229(8) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 28**; S.I. 2017/399, reg. 2, Sch. para. 38

F871 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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Modifications etc. (not altering text)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C807 S. 229 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

C808 S. 229 modified (7.8.1991) by S.I.1991/1773, art.8(2), **Sch. 2**
S. 229: certain functions transferred (7.8.1991) 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))
S. 229 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**
S. 229 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 229 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
S. 229: 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)(xiii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 229 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**

C809 S. 229 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)(c)**
S. 229 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)(c)**

C810 S. 229(8) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C811 S. 229(8) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

Marginal Citations

M93 1958 c. 51.

M94 1968 c. 64.

230 Reports and returns.

[[F872](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.

[[F873](2) In this section "local authority" includes a joint authority **[**[F874], an economic prosperity board**][**[F875]and a combined authority**]**[F876]. . ..**]**

Textual Amendments

F872 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**

F873 S. 230(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 26**

F874 Words in s. 230(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 29**; S.I. 2009/3318, **art. 2(c)**

F875 Words in s. 230(2) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(p)**; S.I. 2015/994, art. 6(g)

F876 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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Modifications etc. (not altering text)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C812 S. 230 modified by Housing and Building Control Act 1984 (c. 29, SIF 61), **s. 50**

C813 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**

C814 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**

C815 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)**
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)**

C816 S. 230(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C817 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.

(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.

[[F877](4) In this section "local authority" includes a joint authority, **[**[F878]an economic prosperity board, a combined authority**]**[F879]... **[**[F880], **[**[F881]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]** a police and crime commissioner and the Mayor's Office for Policing and Crime **]** . . . [F882]. . ..**]**

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Textual Amendments

F877 S. 231(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 27**

F878 Words in s. 231(4) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 30**; S.I. 2009/3318, **art. 2(c)**

F879 Words in s. 231(4) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(q)**; S.I. 2015/994, art. 6(g)

F880 Words in s. 231(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 112**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 33)

F881 Words in s. 231(4) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 29**; S.I. 2017/399, reg. 2, Sch. para. 38

F882 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)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C818 S. 231 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

C819 S. 231 modified (7.8.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**
S. 231: certain functions transferred (7.8.1991) 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))
S. 231 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**
S. 231: 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)(xiv)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 231 (except subsection (2)) applied (28.7.1998) by 1998 c. iv, **s. 39**
S. 231 extended (1.10.1998) by 1975 c. 70, **s. 25** (as substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 para. 9**; S.I. 1998/2244, **art. 4**)
S. 231 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**

C820 S. 231 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)(e)**
S. 231 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)(e)**

C821 S. 231 excluded (7.2.2005) by Licensing Act 2003 (c. 17), **ss. 184(8)(a)**, 201(2) (with ss. 2(3), 15(2), 195); S.I. 2004/2360, **art. 2(1)**, Sch.

C822 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**

C823 S. 231(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C824 S. 231(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

232 Public notices.

(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.

[[F883](1ZA) A public notice given by a community council must, in addition to the requirements imposed by subsection (1), be published electronically.**]**

[[F884](1A) In subsection (1) above "local authority" includes a joint authority, **[**[F885]an economic prosperity board, a combined authority**]**[F886]... **[**[F887], **[**[F888]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]** a police and crime commissioner and the Mayor's Office for Policing and Crime**]** . . . [F889]. . ..**]**

(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

F883 S. 232(1ZA) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 56**, 75(3); S.I. 2015/1182, art. 2(b)

F884 S. 232(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 28**

F885 Words in s. 232(1A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 31**; S.I. 2009/3318, **art. 2(c)**

F886 Words in s. 232(1A) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(r)**; S.I. 2015/994, art. 6(g)

F887 Words in s. 232(1A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 113**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 34)

F888 Words in s. 232(1A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 30**; S.I. 2017/399, reg. 2, Sch. para. 38

F889 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)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C825 S. 232 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

C826 S. 232 modified (7.8.1991) by S.I.1991/1773 art. 8(2), Sch. 2
S. 232: certain functions transferred (7.8.1991) 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))
S. 232 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**
S. 232 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 232: 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)(xiv)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 232 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**

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C827 S. 232 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)(e)**
S. 232 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)(e)**
C828 S. 232 applied (with modifications) (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 119**, 178(2) (with s. 120)
C829 S. 232 applied (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 116(4)**, 178(2) (with s. 117)
C830 S. 232(1A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)
C831 S. 232(1A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

233 Service of notices by local authorities.

(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 [M95]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;

  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 [M96]Interpretation Act 1889 as his proper address.

[F890](6) . . . . . .

(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

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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.

[[F891](11) In this section "local authority" includes a joint authority, **[**[F892]an economic prosperity board, a combined authority, **[**[F893]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]]**[F894]... **[**[F895], a police and crime commissioner and the Mayor's Office for Policing and Crime**]** . . . [F896]. . ..**]**

Textual Amendments

F890 S. 233(6) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **Sch. 2**

F891 S. 233(11) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 29**

F892 Words in s. 233(11) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 32**; S.I. 2009/3318, **art. 2(c)**

F893 Words in s. 233(11) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 31**; S.I. 2017/399, reg. 2, Sch. para. 38

F894 Words in s. 233(11) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(s)**; S.I. 2015/994, art. 6(g)

F895 Words in s. 233(11) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 114**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 35)

F896 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)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C832 S. 233 extended by Housing Act 1974 (c. 44), **s. 126(6)**; and saved by Reservoirs Act 1975 (c. 23), **ss. 15(4)**, 29(1); S.I. 1985/176, 1986/466, 1986/2202

C833 S. 233 applied by S.I. 1978/932, **art. 16** and by S.I. 1990/582, **reg. 47(2)**
S. 233 applied (18.1.2005) by Housing Act 2004 (c. 34), **ss. 246(9)**, 270

C834 S. 233 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**

C835 S. 233 modified (7.8.1991) by S.I.1991/1773 art. 8(2), Sch. 2
S. 233: certain functions transferred (7.8.1991) by S.I.1991/1773, art.8, **Sch. 2**

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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))
S. 233 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**
S. 233: 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)(xiv)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 233 (except subsection (8)) applied (28.7.1998) by 1998 c. iv, **s. 39**
S. 233 extended (1.10.1998) by 1975 c. 70, **s. 25** (as substituted (1.10.1998) by 1998 c. 38, s. 128, **Sch. 14 Pt. I para. 9**; S.I. 1998/2244, **art. 4**)
S. 233 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**

C836 S. 233 excluded (7.2.2005) by Licensing Act 2003 (c. 17), **ss. 184(8)(b)**, 201(2) (with ss. 2(3), 15(2), 195); S.I. 2004/2360, **art. 2(1)**, Sch.

C837 S. 233 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)**(e)
S. 233 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)(e)**

C838 S. 233(11) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C839 S. 233(11) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

Marginal Citations

M95 1889 c. 63.

M96 1889 c. 63.

234 Authentication of documents.

(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.

[[F897](4) In this section "local authority" includes a joint authority, **[**[F898]an economic prosperity board, a combined authority, **[**[F899]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**]]**[F900]... **[**[F901], a police and crime commissioner and the Mayor's Office for Policing and Crime**]** . . . [F902]. . ..**]**

Textual Amendments

F897 S. 234(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 30**

F898 Words in s. 234(4) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 33**; S.I. 2009/3318, **art. 2(c)**

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F899 Words in s. 234(4) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 32**; S.I. 2017/399, reg. 2, Sch. para. 38

F900 Words in s. 234(4) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(t)**; S.I. 2015/994, art. 6(g)

F901 Words in s. 234(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 115**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 36)

F902 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)

C784 Ss. 224-234 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C801 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C802 Ss. 228-234 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C840 S. 234 amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(d)**

C841 S. 234 modified (7.8.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**
S. 234: certain functions transferred (7.8.1991) by S.I.1991/1773, art. 8, **Sch. 2**
S. 234 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 234: 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)(xiv)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 234 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**

C842 S. 234 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)(e)**
S. 234 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)(e)**

C843 S. 234(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1**(*n*)

C844 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.

(1) The council of a district [F903]... 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 [F904]... 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.

[[F905](2A) Subsection (2) does not apply to byelaws of a class prescribed by regulations under section 236A(1).**]**

(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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Textual Amendments

F903 Words in s. 235(1) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(2)(a)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F904 Words in s. 235(1) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(2)(b)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F905 S. 235(2A) inserted (E.) (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), reg. 1(1), **Sch. 2 para. 5(2)**

Modifications etc. (not altering text)

C845 S. 235 amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 43** (which s. 43 is repealed (18.2.1993) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(1)(2), 164(3), Sch. 15 para. 21, **Sch. 16 Pt. IX**); S.I. 1993/264

C846 S. 235 functions made exercisable concurrently (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1777), {art. 25(2)(xii)}
S. 235 functions made exercisable concurrently (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1778), {art. 25(2)(xii)}

236 Procedure etc., for byelaws.

(1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority **[**[F906]in England**]** under this Act **[**[F907]and to byelaws made by a local authority **[**[F906]in England**]**, **[**[F908]the Greater London Authority**][**[F909], Transport for London**][**[F910], an Integrated Transport Authority for an integrated transport area in England or a combined 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

[[F911](a) byelaws of a class prescribed by regulations under section 236A, or

(b)**]** byelaws made [F912]... by the Civil Aviation Authority under **[**[F913]section 29 of the Civil Aviation Act 1982**]**.

(3) **[**[F914]Subject to subsection (3A) below, the**]** byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish [F915]... 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.

[[F916](3A) Byelaws made by the Greater London Authority shall be made under the hand of the Mayor 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.

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(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 [F917]... 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 [F918]... 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 [F918]... 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 [F918]....

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.

[F919](10A) . . . . . .

[[F920](10B) The Greater London Authority shall send a copy of every byelaw made by the Authority, and confirmed, to each London borough council and the Common Council.**]**

[[F921](10C) Transport for London shall send a copy of every byelaw made by it, and confirmed, to—

(a) the Mayor of London;
(b) each London Borough Council; and
(c) the Common Council.**]**

(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

F906 Words in s. 236(1) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(a)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F907 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 31(1)**

F908 Words in s. 236(1) inserted (3.7.2000) by 1999 c. 29, **s. 76(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F909 Words in s. 236(1) inserted (3.7.2000) by 1999 c. 29, **s. 166(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F910 Words in s. 236(1) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 34**; S.I. 2009/3318, **art. 2(c)**

F911 Words in s. 236(2) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 129(2)**, 245(5); S.I. 2010/112, **art. 2(a)**

F912 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**

F913 Words substituted by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 15 para. 11**

F914 Words in s. 236(3) substituted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 3(2)**

F915 Words in s. 236(3) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(b)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F916 S. 236(3A) inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 3(3)**

F917 Words in s. 236(9) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(c)(i)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F918 Words in s. 236(9) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(c)(ii)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F919 S. 236(10A) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(d)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F920 S. 236(10B) inserted (3.7.2000) by 1999 c. 29, **s. 76(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F921 S. 236(10C) inserted (3.7.2000) by 1999 c. 29, **s. 166(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

Modifications etc. (not altering text)

C847 S. 236 applied by Land Drainage Act 1976 (c. 70, SIF 73:1), **s. 98(2)**
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))
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 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
S. 236 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
S. 236 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**
S. 236 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**
S. 236 applied (30.1.2001) by 2000 c. 37, **ss. 17(5)**, 103(2) (with s. 43)
S. 236 applied by Greenham and Crookham Commons Act 2002 (c. i), **ss. 15(5)**, 24(1) (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)

C848 S. 236 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)

C849 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)

C850 S. 236 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. 236 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)**

C851 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)

C852 S. 236 modified (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(9)** (arts. 45-48 Sch. 6 para. 23)

C853 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)

C854 S. 236 continues to apply (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), regs. 1(1), **19**

C855 Ss. 236-237 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C856 S. 236 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(9)** (with arts. 55-57, Sch. 8 para. 13)

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C857 S. 236 applied (29.11.2018) by Middle Level Act 2018 (c. ii), ss. 1, **11(9)**

C858 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C859 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) applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39)
S. 236(3)-(8) applied (30.8.1994) by S.I. 1994/2298, **art. 30**
S. 236(3)-(8) applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
S. 236(3)-(8) applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
S. 236(3)-(8) applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**

C860 S. 236(3)-(8) modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S. 236(3)-(8) modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S. 236(3)-(8) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(a)**

C861 S. 236(3)-(8): certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
S. 236(3)-(8): certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**

C862 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)**
S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**
S. 236(3)-(8)(11) applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**

C863 S. 236(3)-(8)(11) applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **arts. 39(5)(6)(8)**, 46(2) (with art. 40, Sch. 7 para. 12)

C864 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C865 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C866 S. 236(3)-(8) applied (with modifications) (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), **art. 24** (with arts. 39, 40)

C867 S. 236(3)-(8) applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)

C868 S. 236(3)-(8) applied (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), arts. 1(2), **30(4)**

C869 S. 236(3)-(8) applied (with modifications) (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **6(3)**

C870 S. 236(3)-(8) applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**

C871 S. 236(3)-(8) applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)

C872 S. 236(3)-(8) applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)

C873 S. 236(3)-(8) applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)

C874 S. 236(3)-(8) applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)

C875 S. 236(3)-(8) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))

C876 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C877 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C878 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C879 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C880 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C881 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C882 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C883 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C884 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C885 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C886 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C887 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C888 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C889 S. 236(7) applied (with modifications) (21.7.1994) by 1994 c. xiii, **s. 10(2)**
S. 236(7) applied (with modifications) (30.8.1994) by S.I. 1994/2298, **art. 30**
S. 236(7) applied (with modifications) (8.7.1996) by S.I. 1996/1627, **art. 23(5)**

C890 S. 236(7) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(b)**
S. 236(7) modified (20.5.1998) by S.I. 1998/1209, **art. 12(2)**

C891 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C892 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C893 S. 236(7) modified (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(4)** (with arts. 4-6)

C894 S. 236(7) applied (with modifcations) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(8)** (with arts. 55-57, Sch. 8 para. 13)

C895 S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C896 S. 236(8) extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**

C897 S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C898 S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C899 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)

C900 S. 236(10C)(11) applied (with modifications) (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **6(3)**

C901 S. 236(10C) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))

C902 S. 236(11) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C903 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)**

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C904 S. 236(11) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C905 S. 236(11) applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**

C906 S. 236(11) applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)

C907 S. 236(11) applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)

C908 S. 236(11) applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)

C909 S. 236(11) applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)

C910 S. 236(11) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))

[F922 236A Alternative procedure for certain byelaws

(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

F922 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)**

Status: *Point in time view as at 04/04/2020.*
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Modifications etc. (not altering text)

C855 Ss. 236-237 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C911 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)

[F923 236B Revocation of byelaws

(1) This section applies to—

(a) a local authority [F924 in England];

(b) the Greater London Authority;

(c) Transport for London;

[F925 (d) an Integrated Transport Authority for an integrated transport area in England] [F926;

(e) a combined 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—

F927 (a) . . . . . .

(b) F928 ... the Secretary of State.

F929 [Subsection (4)(b) does not apply to byelaws of a class prescribed by regulations under (4A) section 236A(1).]

(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.

F930 (6) . . . . . .

(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.

F931 (10) . . . . . .

F932 (11) . . . . . .]

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Textual Amendments

F923 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)**

F924 Words in s. 236B(1)(a) inserted (8.5.2018) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(a)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

F925 S. 236B(1)(d) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 77, 134, **Sch. 4 para. 48(3)**; S.I. 2009/107, **art. 2(1)**; Sch. 1 Pt. 1

F926 S. 236B(1)(e) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 35**; S.I. 2009/3318, **art. 2(c)**

F927 S. 236B(4)(a) omitted (8.5.2018) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(b)(i)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

F928 Words in s. 236B(4)(b) omitted (8.5.2018) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(b)(ii)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

F929 S. 236B(4A) inserted (E.) (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), reg. 1(1), **Sch. 2 para. 5(3)**

F930 S. 236B(6) omitted (8.5.2018) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

F931 S. 236B(10) omitted (8.5.2018) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

F932 S. 236B(11) omitted (8.5.2018) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

Modifications etc. (not altering text)

C855 Ss. 236-237 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C912 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)

237 Offences against byelaws.

Byelaws to which section 236 above applies **[**[F933]and byelaws of a class prescribed by regulations under section 236A**]** 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.

Textual Amendments

F933 Words in s. 237 inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 129(4)**, 245(5); S.I. 2010/112, **art. 2(a)**

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Modifications etc. (not altering text)

C855 Ss. 236-237 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C913 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)

C914 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

C915 S. 237 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)

C916 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).

C917 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**.

C918 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)

C919 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)**

C920 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)

C921 S. 237 applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)

[F934 237ZA Section 235 byelaws: powers of seizure etc

A byelaw made under section 235 may include provision for or in connection with—

(a) the seizure and retention of any property in connection with any contravention of the byelaw, and

(b) the forfeiture of any such property on a person's conviction of an offence of contravention of the byelaw.**]**

Textual Amendments

F934 S. 237ZA inserted (19.12.2011 for E.) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 150(2)**, 157(1)(4); S.I. 2011/2834, art. 2(k)

[F935 237A Fixed penalty notices

(1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.

(2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—

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(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,

is evidence of the facts stated.

(12) In this section—

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"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

F935 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)

C922 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)

C923 Ss. 237A-237E applied (with modifications) (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

237B Amount of fixed penalty

(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

F935 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)

C923 Ss. 237A-237E applied (with modifications) (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C925 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)

237C Power to require name and address in connection with fixed penalty

(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

F935 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)

C923 Ss. 237A-237E applied (with modifications) (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C926 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)

[F936 237D Use of fixed penalty receipts

(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.

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(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.**]**

Textual Amendments

F936 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)

C923 Ss. 237A-237E applied (with modifications) (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C927 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)

[F937 237E Guidance relating to sections 236A and 237A to 237D

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

F937 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)

C923 Ss. 237A-237E applied (with modifications) (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C928 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)

[F938 237F Further provision about regulations and orders under section 237A or 237B

(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.

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(2) A statutory instrument containing—

(a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or

(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

F938 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)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C929 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.

The production of a printed copy of a byelaw purporting to be made by a local authority **[**[F939]in England**][**[F940], the Greater London Authority**][**[F941], an Integrated Transport Authority for an integrated transport area in England or a combined 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

F939 Words in s. 238 inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(5)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F940 Words in s. 238 inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 4**

F941 Words in s. 238 substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 36**; S.I. 2009/3318, **art. 2(c)**

Modifications etc. (not altering text)

C924 Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**

C930 S. 238 extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**
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)

C931 S. 238 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
S. 238 modified (7.8.1991) by S.I. 1991/1773 art. 8(2), Sch. 2
S. 238 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S. 238 modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)**

C932 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)**
Ss. 236-238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**
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)
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)
S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9)
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 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)**
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)
S. 238 applied by Greenham and Crookham Commons Act 2002 (c. i), **ss. 15(5)**, **24(1)** (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)

C933 S. 238: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
S. 238: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**

C934 S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C935 S. 238 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. 238 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)**

C936 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)

C937 S. 238 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **arts. 39(5)(6)(8)**, 46(2) (with art. 40, Sch. 7 para. 12)

C938 S. 238 applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)

C939 S. 238 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**

C940 S. 238 applied (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)

C941 S. 238 applied (with modifications) (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), **art. 24** (with arts. 39, 40)

C942 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)

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C943 S. 238 applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)

C944 S. 238 applied (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), arts. 1(2), **30(4)**

C945 S. 238 applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**

C946 S. 238 applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)

C947 S. 238 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)

C948 S. 238 applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)

C949 S. 238 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)

Miscellaneous provisions

239 Power to promote or oppose local or personal Bills.

(1) Subject to the provisions of this Act, where a **[**[F942]local authority in England, other than a parish council**]**, are satisfied that it is expedient to promote, or any local authority **[**[F943]in England**]** 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.

(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.

[[F944](4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority **[**[F945], an economic prosperity board**][**[F946]and a combined authority**]**[F947]. . ..**]**

(5) No payment shall be made by a **[**[F948]an authority**]** to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

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Textual Amendments

F942 Words in s. 239(1) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(10)(a)**

F943 Words in s. 239(1) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(10)(b)**

F944 S. 239(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(1)**

F945 Words in s. 239(4A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 37**; S.I. 2009/3318, **art. 2(c)**

F946 Words in s. 239(4A) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(u)**; S.I. 2015/994, art. 6(g)

F947 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F948 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(2)**

Modifications etc. (not altering text)

C950 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**

C951 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**

C952 S. 239 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(g)**

C953 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.

(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;

(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

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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 [M97]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 [M98]Statutory Orders (Special Procedure) Act 1945.

Modifications etc. (not altering text)

C954 S. 240 modified by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), **ss. 4(4)**(*a*), 79

C955 S. 240 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C956 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**.

C957 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**.

Marginal Citations

M97 1945 c. 18 (9 & 10 Geo. 6).

M98 1945 c. 18 (9 & 10 Geo. 6).

Status: *Point in time view as at 04/04/2020.*
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241 Power to apply provisions of Act to joint boards, etc.

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)

C958 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**)

C959 S. 241 applied (with modifications) (E.) (14.6.2016) by The River Tees Port Health Authority Order 2016 (S.I. 2016/644), arts. 1(1), 8(1), **Sch. 1**

242 Effect of inaccurate description.

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.

(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 **[**[F949]rules under [F950]. . . paragraph 18 or**]**[[F949]regulations under paragraph 18 or rules under paragraph 34**]** 34 of Schedule 12 to this Act **[**[F951]and applies also to sections [F952]. . ., 31 and 32 of the Local Government Act 1985**]**.

(3) **[**[F953]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 [F954]. . . of the poll, [F954]. . ..

(4) In computing any period of time for the purpose of any **[**[F955]regulations or**]** rules mentioned in subsection (2) above or for the purposes of [F956]. . . 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice [F957]. . . 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 **[**[F955]regulations or**]** rules, shall not operate to invalidate any act which would have been valid apart from that provision.

(5) Subsection (4) above, so far as it relates to any such **[**[F958]regulations or**]** rules shall have effect subject to the provisions of those **[**[F958]regulations or**]** rules.

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Textual Amendments

F949 Words in s. 243(2) substituted (4.4.2014 for specified purposes) by Local Audit and Accountability Act 2014 (c. 2), **ss. 42(4)(a)**, 49(1); S.I. 2014/900, art. 2(g)

F950 Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), **Sch. 9 Pt. II**

F951 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 33**

F952 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**

F953 Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)**(*a*), 29

F954 Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)**(*a*), 28, 29, Sch. 5

F955 Words in s. 243(4) inserted (4.4.2014 for specified purposes) by Local Audit and Accountability Act 2014 (c. 2), **ss. 42(4)(b)**, 49(1); S.I. 2014/900, art. 2(g)

F956 Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**

F957 Words in s. 243(4) repealed (8.11.1995) by 1995 c. 44, s. 1(1), **Sch. 1 Pt. VI**

F958 Words in s. 243(5) inserted (4.4.2014 for specified purposes) by Local Audit and Accountability Act 2014 (c. 2), **ss. 42(4)(c)**, 49(1); S.I. 2014/900, art. 2(g)

Modifications etc. (not altering text)

C960 S. 243(1) modified by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)**(*b*), 29
S. 243(1) applied (1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 8(2)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **arts. 3(a)(b)**, 4(a)(g)

C961 S. 243(4) modified by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)**(*b*), 29
S. 243(4) applied (14.12.1999) by 1999 c. 29, **ss. 10(7)**, 16(8) (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

244 Saving of transfer of certain powers under local Acts from Treasury to Secretary of State.

(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.

Modifications etc. (not altering text)

C962 S. 244 applied (with modifications) (W.) (24.5.2018) by The Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), arts. 1(1), **14**

[F959 244A Application of this Part to the London Fire Commissioner

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire Commissioner.]

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F959 S. 244A substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 47**; S.I. 2018/227, **reg. 4(c)**

PART XII

MISCELLANEOUS AND GENERAL

Status, etc.

245 Status of certain districts, parishes and communities.

(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.

[[F960](1A) Subsection (1)(b) above does not apply where the council are operating executive arrangements which involve a mayor and cabinet executive [F961]...**]**

(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.

[[F962](4A) Where—

(a) a council are operating executive arrangements which involve a mayor and cabinet executive [F963]...; and

(b) the chairman or vice-chairman of the council has previously used the style of mayor or deputy mayor by virtue of subsection (4)(b), the chairman or vice-chairman, as the case may be, shall no longer use that style.**]**

(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.

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(6) The council of a parish [F964]. . . which is not grouped with any other parish [F964]. . . may resolve that the parish [F964]. . . shall have the status of a town and thereupon—

(a) the council of the parish [F964]. . . 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 [F965]. . . shall have the style of town meeting.

(7) A resolution under subsection (6) above shall cease to have effect if the parish [F964]. . . to which it relates ceases to exist.

[[F966](7A) A resolution under subsection (6) shall cease to have effect if the parish has an alternative style (within the meaning of section 17A) by virtue of any of the following—

(a) an order under section 11;

(b) a resolution under section 12A;

(c) an order under section 86 of the Local Government and Public Involvement in Health Act 2007.**]**

(8) If a parish [F964]. . . council which has passed a resolution under subsection (6) above is dissolved without the parish [F964]. . . ceasing to exist, the dissolution shall not affect the status of the parish [F964]. . . or the application to it of paragraph (c) of that subsection and in England the parish trustees shall have the style of town trustees.

(9) A parish [F964]. . . council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England [F967]. . . may resolve that the parish [F964]. . . 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 [F964]. . ..

(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.

Textual Amendments

F960 S. 245(1A) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 11(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F961 Words in s. 245(1A) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(d), 178(2), **Sch. 4 Pt. B** and words in s. 245(1A) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 5, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

F962 S. 245(4A) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 5**

F963 Words in s. 245(4A) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(d), 178(2), **Sch. 4 Pt. B** and words in s. 245(4A)(a) repealed (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 3 para. 5, **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)

F964 Words in s. 245(6)-(9) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F965 Words in s. 245(6)(c) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F966 S. 245(7A) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 8(2)**; S.I. 2008/337, **art. 2(c)**

Status: *Point in time view as at 04/04/2020.*
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F967 Words in s. 245(9) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 51(c), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C963 S. 245 applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**

C964 S. 245 applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**

C965 S. 245 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**

C966 S. 245 applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**

C967 S. 245 applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**

C968 S. 245 applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**

C969 S. 245 applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**

[F968 245A Change of status of Welsh county to county borough.

(1) Where a petition is presented to Her Majesty by the council of a county in Wales praying for the grant of a charter under this section, Her Majesty, on the advice of Her Privy Council, may by charter confer on that county the status of a county borough.

(2) No such petition shall be presented unless a resolution of the council has been passed by not less than two-thirds of the members voting at a meeting of the council specially convened for the purpose.

(3) No charter under this section shall take effect before 1st April 1996.

(4) A county borough which has acquired that status by a charter under this section—
   (a) shall be a county borough; but
   (b) shall not be treated as a borough for the purposes of any Act passed before 1st April 1974.

(5) This section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any provision granting the status of a royal borough or conferring any style on any person.]

Textual Amendments

F968 S. 245A substituted (3.4.1995) by 1994 c. 19, **s. 5** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

[F969 245B Community having the status of a town.

(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—

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(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.

(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

F969 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)

C970 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.

(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 **[**[F970]being powers which are not exercised pursuant to subsection (4) or (5) below by charter trustees**]**, shall

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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 **[**[F971]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.

[[F972](2A) Any powers to appoint local officers of dignity exercisable immediately before 1st April 1996 in relation to any area by the council of a district in Wales by virtue of a charter granted under section 245 above shall, on and after that date, be exercisable in relation to that area by the council of the principal area in which, on that date, that area becomes comprised.

(2B) Where on 1st April 1996 that area becomes comprised partly in each of two or more principal areas, those powers shall be exercised on and after that date by such of the councils of those principal areas as may be agreed between them, or, in default of agreement, as the Secretary of State may designate.**]**

(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 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;

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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), **[**[F973]and (3) above and any order applying subsection (3) made pursuant to**]** subsection (5) above shall have effect subject to **[**[F974]subsection (2A) above,**]** 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.

[F975](7) . . . . . .

(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 **[**[F976]Part 3 of the Local Government (Democracy) (Wales) Act 2013**]** and **[**[F977]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.

[F978](12) . . . . . .

(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) **[**[F979]Section 168 above**]**, except subsection (5), shall apply in relaton 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 **[**[F980]and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011**]** 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.

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Textual Amendments

F970 Words inserted by Charter Trustees Act 1985 (c. 45, SIF 81:1) ss. 1(2)(*a*)(3), 2

F971 Words inserted by Charter Trustees Act 1985 (c. 45, SIF 81:1), **ss. 1(2)**(*b*)(3), 2

F972 S. 246(2A)(2B) inserted (1.10.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 52(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), **Sch. 3**

F973 Words substituted by Charter Trustees Act 1985 (c. 45, SIF 81:1), **ss. 1(2)**(*c*)(3), 2

F974 Words in s. 246(6) inserted (1.10.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 52(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), **Sch. 3**

F975 S. 246(7) repealed by Charter Trustees Act 1985 (c. 45, SIF 81:1), **ss. 1(2)**(*d*)(3), 2

F976 Words in s. 246(9) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(9)**

F977 Words substituted by Charter Trustees Act 1985 (c. 45, SIF 81:1), **ss. 1(2)**(*e*)(3), 2

F978 S. 246(12) omitted (12.3.2014) by virtue of The Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014 (S.I. 2014/580), arts. 1(c), **3(1)**

F979 Words substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, **Sch. 5 para. 5(5)**

F980 Words in s. 246(16) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), **Sch. 3 para. 1(4)**; S.I. 2012/1187, art. 2(1)(q)

Modifications etc. (not altering text)

C971 S. 246(2) applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 4(2)

C972 S. 246(15) amended (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(5)**

C973 S. 246(15) continued (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 8**; S.I. 2015/841, art. 3(x)

247 Transfer of armorial bearings from old to new authorities.

(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.

[[F981](3) Subsections (1) and (2) above also apply in relation to new principal councils in Wales and authorities which ceased to exist as a result of the Local Government (Wales) Act 1994 but as if the reference to April 1, 1974 were a reference to 1st April 1996.**]**

Textual Amendments

F981 S. 247(3) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 53** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C974 S. 247 applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 7

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

248 Freemen and inhabitants of existing boroughs.

(1) Subject to the following provisions of this section **[**[F982]and Schedule 28A**]**, 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 **[**[F982]and Schedule 28A**]** any such place is referred to as a city or town.

[[F983](1A) Where the son of a freeman of a city or town may claim to be admitted as a freeman of that place, the daughter of a freeman may likewise claim to be so admitted.

(1B) The son or daughter of a freeman of a city or town shall be admitted as a freeman whether born before or after the admission, as a freeman, of his or her freeman parent and wherever he or she was born.

(1C) In subsections (1A) and (1B) "freeman" excludes a freeman of the City of London.**]**

[[F984](1D) Schedule 28A (amendment of laws relating to freedom of city or town) shall have effect.**]**

(2) On and after 1st April 1974 the roll of **[**[F985]persons admitted to the freedom**]** 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 **[**[F986]to the freedom**]** of a city or town, **[**[F987]the person's**]** 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, **[**[F987]the person's**]** name shall be entered on the roll of **[**[F988]persons admitted to the freedom**]** of that city or town.

(4) After 31st March 1974—

(a) a **[**[F989]person admitted to the freedom**]** 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 **[**[F989]person admitted to the freedom**]** 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 **[**[F989]person admitted to the freedom**]** 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.

[[F990](6) This section shall have effect in relation to Wales as if—

(a) in subsections (2) and (3) the references to the relevant district council were references to the relevant principal council; and

(b) in subsection (2) the reference to the council of the district were a reference to the council of the principal area.**]**

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Textual Amendments

F982 Words in s. 248(1) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(a)**, 148(1)(d)

F983 S. 248(1A)-(1C) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 27(2)**, 148(1)(d)

F984 S. 248(1D) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(2)**, 148(1)(d)

F985 Words in s. 248(2) substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(b)**, 148(1)(d)

F986 Words in s. 248(3) substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(c)(i)**, 148(1)(d)

F987 Words in s. 248(3) substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(c)(ii)**, 148(1)(d)

F988 Words in s. 248(3) substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(c)(iii)**, 148(1)(d)

F989 Words in s. 248(4)(a)(b)(c) substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 28(4)(d)**, 148(1)(d)

F990 S. 248(6) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 54** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

249 [F991Honorary titles].

(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 **[**F992or honorary alderwomen**]** 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 **[**F993members**]** of the council.

(2) No honorary alderman **[**F994or honorary alderwoman**]** shall, while serving as a **[**F995member**]** of the council, be entitled to be addressed as alderman **[**F996or alderwoman**]** or to attend or take part in any civic ceremonies of the council as an alderman **[**F997or alderwoman**]**.

(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 **[**F998or honorary alderwoman**]** 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 **[**F999or Part 8 of the Local Government (Wales) Measure 2011**]**.

[F1000(4A) A principal council 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 on whom they have conferred the title of honorary alderman or honorary alderwoman.**]**

Status: *Point in time view as at 04/04/2020.*
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[[F1001](5) Subject as follows, a relevant authority may admit to be honorary freemen or honorary freewomen of the place or area for which it is the authority—

(a) persons of distinction, and

(b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.

(6) In this section "relevant authority" means—

(a) a principal council;

(b) a parish or community council;

(c) charter trustees in England constituted—

(i) under section 246 of the Local Government Act 1972,

(ii) by the Charter Trustees Regulations 1996 (SI 1996/263), or

(iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007.

(7) The power in subsection (5) above is exercisable by resolution of the relevant authority.

(8) A resolution under subsection (7) above must be passed—

(a) at a meeting of the relevant authority which is specially convened for the purpose and where notice of the object of the meeting has been given; and

(b) by not less than two-thirds of the members of the relevant authority (or, in the case of charter trustees, of the trustees) who vote on it.

(9) A relevant authority may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freeman or honorary freewoman under subsection (5) above.

(10) The admission of a person as honorary freeman or honorary freewoman does not confer on that person any of the rights referred to in section 248(4) above.**]**

Textual Amendments

F991 Words in s. 249 heading substituted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(2)**, 148(1)(d)

F992 Words in s. 249(1) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(3)**, 148(1)(d)

F993 Word in s. 249(1) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 9(2)**

F994 Words in s. 249(2) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(4)(a)**, 148(1)(d)

F995 Word in s. 249(2) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 9(3)**

F996 Words in s. 249(2) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(4)(b)**, 148(1)(d)

F997 Words in s. 249(2) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(4)(c)**, 148(1)(d)

F998 Words in s. 249(4) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(5)**, 148(1)(d)

F999 Words in s. 249(4)(b) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), s. 178(3), **Sch. 3 para. 1(5)**; S.I. 2012/1187, art. 2(1)(q)

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F1000 S. 249(4A) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(6)**, 148(1)(d)

F1001 S. 249(5)-(10) substituted (12.1.2010) for s. 249(5)-(9) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), **ss. 29(7)**, 148(1)(d)

Modifications etc. (not altering text)

C975 S. 249 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 para. 22(2)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
S. 249 extended (11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 6(1)
S. 249: 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**

C976 S. 249 modified (26.11.2018) by The Local Government (Boundary Changes) Regulations 2018 (S.I. 2018/1128), regs. 1(1), **30(1)** (with reg. 1(2)(3))

C977 S. 249(1) applied (with modifications)(11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 6(2)

C978 S. 249(1) modified (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 32** (with reg. 1)

C979 S. 249(2)(4) modified (11.3.1996) by S.I. 1996/330, **arts. 1(2)**, 6(3)

C980 S. 249(2)(4) modified (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 32** (with reg. 1)

Inquiries

250 Power to direct inquiries.

(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, [F1002]. . . :

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 be liable on summary conviction to a fine not exceeding **[**[F1003]level 3 on the standard scale**]** or to imprisonment for a term not exceeding six months, or to both.

Status: *Point in time view as at 04/04/2020.*
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(4) Where a Minister causes an inquiry to be held under this section, the costs incurred by him in relation to the inquiry [F1004]. . . 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 [M99]Local Government Act 1929 or the [M100]Ferries (Acquisition by Local Authorities) Act 1919.

Textual Amendments

F1002 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

F1003 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F1004 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)

C981 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**

C982 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)**

C983 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)

C984 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)**

C985 S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**

C986 S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**

C987 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

C988 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)**

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)**

C989 S. 250(2) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**

C990 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.

C991 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**)

C992 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**)

C993 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**

C994 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**

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(l)(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

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)**

C995 S. 250(2)-(5) extended (1.11.1996) by 1996 c. 56, **ss. 507(2)**, 583(2) (with s. 1(4), Sch. 39)

C996 S. 250(2) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**

C997 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)**)

C998 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)**

C999 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)**

C1000 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)**

C1001 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**

C1002 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)**

C1003 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)

C1004 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)

C1005 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)**

C1006 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)**

C1007 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))

C1008 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**

C1009 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)**

C1010 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)**

C1011 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)

C1012 S. 250(2)-(5) applied (with modifications) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 6 para. 5(6)** (with reg. 1(2), Sch. 4)

C1013 S. 250(2)(3) applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 11 para. 12(3)** (with art. 51, Sch. 10 paras. 6885)

C1014 S. 250(2)-(5) applied (with modifications) (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 161**, 324(3) (with ss. 172(3), 185); S.I. 2011/556, art. 2(2)(c)

C1015 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)

C1016 S. 250(2)-(5) applied (with modifications) (with application in accordance with reg. 2 11 of the amending S.I.) by The Marine Licensing (Licence Application Appeals) Regulations 2011 (S.I. 2011/934), regs. 1(b), **18(1)**(2)

C1017 S. 250(2)-(5) applied (with modifications) (6.4.2011) by The Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011 (S.I. 2011/925), regs. 1(2), **18(1)**(2)

C1018 S. 250(2)-(5) applied (16.1.2012) by The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 (S.I. 2011/3032), arts. 1(1), **24** (with arts. 21-23)

C1019 S. 250(2)-(5) applied (with modifications) (1.3.2012) by The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164), regs. 1(1), **11(8)**

C1020 S. 250(2)(3) applied by 1990 c. 9, Sch. 3 para. 6(4A) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 22(b)**; S.I. 2016/52, art. 4(g) (with art. 17))

C1021 S. 250(2)(3) applied by 1990 c. 8, s. 320(2) (as amended) (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 12(3)**; S.I. 2016/52, art. 4(a) (with art. 17)

C1022 S. 250(2)(3) applied by 1990 c. 8, Sch. 8 para. 5(4) (as amended) (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 18(c)**; S.I. 2017/546, art. 3(e)

C1023 S. 250(2)(3) applied by 1990 c. 8, Sch. 4 para. 6(4A) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 16(2)(b)**; S.I. 2016/52, art. 4(b) (with art. 17))

C1024 S. 250(2)(3) applied by 1990 c. 10, Sch. para. 6(4A) (as inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 26(b)**; S.I. 2016/52, art. 4(k) (with art. 17))

C1025 S. 250(2)(3) applied by 1990 c. 8, s. 252(6D) (as inserted (W.) (1.3.2016) by The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53), regs. 1(1), **16(3)**)

C1026 S. 250(2)(3) applied by 1979 c. 46, Sch. A2 para. 4(2) (as inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by Historic Environment (Wales) Act 2016 (anaw 4), s. 41(1)(c)(3), **Sch. 1**; S.I. 2017/633, art. 5(e))

C1027 S. 250(2)(3) applied by 1972 c. 70, Sch. 1B para. 4(2) (as inserted (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by Historic Environment (Wales) Act 2016 (anaw 4), s. 41(1)(c)(3), **Sch. 2**; S.I. 2017/633, art. 5(f))

C1028 S. 250(2)-(5) applied (with modifications) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 6 para. 5(6)** (with regs. 1(3), 77-79, Sch. 4)

C1029 S. 250(2)-(5) applied (with modifications) (W.) (16.5.2017) by The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565), regs. 1(3), **31(11)** (with reg. 3)

C1030 S. 250(2)-(5) applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **137(2)**

C1031 S. 250(2)-(5) applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 1 para. 4(3)**

C1032S. 250(2)(3) applied (with modifications) (7.1.2019) by The Sustainable Drainage (Appeals) (Wales) Regulations 2018 (S.I. 2018/1181), regs. 1(2), **13(1)**(2)

C1033S. 250(2)(3) applied (with modifications) (7.1.2019) by The Sustainable Drainage (Enforcement) (Wales) Order 2018 (S.I. 2018/1182), regs. 1(2), **20(1)**(2)

C1034S. 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)**

C1035S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**

C1036S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**

C1037S. 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

C1038S. 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)**

C1039S. 250(3) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**

C1040S. 250(3) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**

C1041S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**

C1042S. 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)**

C1043S. 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)}

C1044S. 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**

C1045S. 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)**

C1046S. 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)

C1047S. 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)

C1048S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 22(3)**, {Sch. 1para. 4(3)}

C1049S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**

C1050S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**

C1051S. 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

C1052S. 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)**

C1053S. 250(4) extended by Cycle Tracks Act 1984 (c. 38, SIF 59), **s. 3(5)**

C1054S. 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**

C1055S. 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**

C1056S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**

C1057S. 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)**

C1058S. 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)**

C1059S. 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**

C1060S. 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)**

C1061S. 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)

C1062S. 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)

C1063S. 250(4) applied (with modifications) by 1990 c. 8, s. 322(1B)(1C) (as inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(2)**, 35(1); S.I. 2013/2143, art. 2(b))

C1064S. 250(4) applied (with modifications) by 1990 c. 8, s. 322A(3)(4) (as inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(3)**, 35(1); S.I. 2013/2143, art. 2(b))

C1065S. 250(4) modified by 1990 c. 8, s. 320(3) (as inserted (1.10.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(1)**, 35(1); S.I. 2013/2143, art. 2(b))

C1066S. 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)**

C1067S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**

C1068S. 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)

C1069S. 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)

C1070S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 68**

C1071S. 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

C1072S. 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)**

C1073S. 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)**

C1074S. 250(2)-(5) applied (with modifications) (1.4.2007) by The Water Resources Management Plan Regulations 2007 (S.I. 2007/727), **reg. 5(2)**

C1075S. 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)**

Status: *Point in time view as at 04/04/2020.*
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C1076 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)}

C1077 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**

C1078 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)**

C1079 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)

C1080 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)

C1081 S. 250(5) applied by 1981 c. 77, **s. 5(4)** (as inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 3**, 35(1); S.I. 2013/1488, art. 3(b) (with **art. 8(1)**))

Marginal Citations

M99 1929 c. 17.

M100 1919 c. 75.

General

251 Consequential and minor modifications and amendments.

(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.

(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.

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Modifications etc. (not altering text)

C1082S. 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.

(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 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.

(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;

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(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) F1005 . . . . . .

(g) F1005 . . . . . .

(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.

Textual Amendments

F1005 S. 254(2)(f)(g) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Modifications etc. (not altering text)

C1083 S. 254 amended by Representation of the People Act 1983 (c. 2, SIF 42), **Sch. 7 para. 7**

C1084 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*)

C1085 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)**

C1086 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.

(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, **[**[F1006]27B, 27D, 27F, 27H, 27J or 27L**]**, 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

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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 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.

Textual Amendments

F1006 Words in s. 255(1) substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(c)**, 178(2) (with s. 115)

256 Continuity of employment in cases of voluntary transfer.

(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.

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(2) Where this section applies to a person, then for the purposes of section 28 of the [M101]Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the [M102]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.

Marginal Citations

M101 1971 c. 72.

M102 1972 c. 53.

257 Staff commission for England.

[F1007] . . . . . .

Textual Amendments

F1007 S. 257 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

258 Staff commission for Wales.

[F1008] . . . . . .

Textual Amendments

F1008 S. 258 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

259 Compensation for loss of office.

(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,

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(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.

[[F1009](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 [M103]Public Health Act 1936;

(b) an existing local authority ceasing, as respects the whole or any part of their area, to be a **[**[F1010]food authority within the meaning of the Food Safety Act 1990**]**;

[[F1011](c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act [M104]1936—

[[F1012]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 [M105]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 [M106]Public Health Act 1936, [F1013]. . . or, as the case may be, paragraph 2 of Schedule 3 to the [M107]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

F1009 S. 259(3) substituted by Local Government Act 1974 (c. 7), **s. 39**

F1010 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)

F1011 S. 259(3)(*c*) substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134(a), **Sch. 10 para. 23**(*b*)

F1012 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)

F1013 Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 17(c)** (with s. 54)

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Marginal Citations

M103 1936 c. 49.
M104 1936 c.49**(100:1)**.
M105 1969 c. 54.
M106 1936 c. 49.
M107 1969 c. 54.

260 Provision for early retirement in lieu of compensation for loss of office.

(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,

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 [M108]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

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(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

M108 1972 c. 41.

261 Remuneration of employees of existing local authorities outside Greater London.

F1014 . . . . . .

Textual Amendments

F1014 S. 261 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

262 Local Acts and instruments.

(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 [M109]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 [M110]Public Health Act 1848, the [M111]Local Government Act 1858, the [M112]Local Government (1858) Amendment Act 1861 or the [M113]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 [M114]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, [F1015]. . . or district heating.

Textual Amendments

F1015 Word repealed by Water Act 1973 (c. 37), **Sch. 9**

Modifications etc. (not altering text)

C1087 S. 262(9) restricted by Cornwall County Council Act 1984 (c. xix), **ss. 1**, 54(4)

Marginal Citations

M109 1938 c. xciii.
M110 1848 c. 63.
M111 1858 c. 98.
M112 1861 c. 61.
M113 1863 c. 17.
M114 1875 c. 55.

263 Existing joint boards and committees and port health districts.

(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 [M115]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)

C1088S. 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)

C1089S. 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)

C1090S. 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)

C1091S. 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)

C1092S. 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)

C1093S. 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

M115 1936 c. 49.

F1016 264 . . . . . .

Textual Amendments

F1016S. 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.

(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)

C1094 S. 265 extended by Coroners Act 1988 (c. 13, SIF 33), **ss. 33**, 34(2)

[F1017 265A Application in relation to the Broads Authority.

(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, F1018... 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, **[**F1019 138A, 138B,**]** 139, 140, 140A, 140C, 143 and 144;

F1020 **[** (g) sections 153 and 173 to 177;**]** and

(h) 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

F1017 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)**

F1018 Words in s. 265A(1)(b) repealed (22.5.2012) by Local Government Act 2000 (c. 22), s. 108(3)(b)(c), **Sch. 6**; S.I. 2012/1358, art. 2(b)(i)

F1019 Words in s. 265A(1)(f) inserted (26.5.2015) by Local Government (Religious etc. Observances) Act 2015 (c. 27), **ss. 2(2)**, 3(2)

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F1020 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**

266 Orders, rules and regulations.

(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.

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.

[F1021] 268 . . . . . .

Textual Amendments

F1021 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. I**

[[F1022] 269 Meaning of "England" and "Wales".

In this Act "Wales" means the combined area of the preserved counties and "England" does not include any area which is included in any of the preserved counties.**]**

Textual Amendments

F1022 S. 269 substituted (3.4.1995) by 1994 c. 19, s. 1(3), **Sch. 2 para. 8** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

270 General provisions as to interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

F1023 …

"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 this Act shall not be

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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;

[[F1024]"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;

[[F1025]"combined authority" means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;";

[F1026] . . .

"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 **[**[F1027], 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;

"economic prosperity board" means an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;**]**

[[F1028]"elected mayor" has **[**[F1029]—

(a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and

(b) in relation to Wales,**]** the same meaning as in Part II of the Local Government Act 2000;**]**

"electoral area" means any area for which councillors are elected to any local authority;

[[F1030]"executive", "executive arrangements" and "executive leader" have **[**[F1031]—

(a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and

(b) in relation to Wales,**]** the same meaning as in Part II of the Local Government Act 2000;**]**

[F1026] . . .

"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;

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[[F1032]"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;

[F1033]...

[[F1034]"leader and cabinet executive means"—

(a) in relation to England: a leader and cabinet executive (England);

(b) in relation to Wales: a leader and cabinet executive (Wales);**]**

[[F1035]"leader and cabinet executive (England)" has the same meaning as in **[**[F1036]Part 1A**]** of the Local Government Act 2000;**]**

[[F1037]"leader and cabinet executive (Wales)" has the same meaning as in Part 2 of the Local Government Act 2000;**]**

"local authority" means a county council, [F1038]. . . a district council, a London borough council or a parish **[**[F1039]council but, in relation to Wales, means a county council, county borough council 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) **[**[F1040]in relation to Wales, a county, county borough 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 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;

[[F1041]"mayor and cabinet executive" [F1042]...**[**[F1043]has—

(a) in relation to England, the same meaning as in Part 1A of the Local Government Act 2000, and

(b) in relation to Wales,**]** the same meaning as in Part II of the Local Government Act 2000;**]**

"new", in relation to any area or authority, means an area or authority established by or under this Act **[**[F1044]including one established by virtue of any provision of the Local Government (Wales) Act 1994**]**;

"1933 Act" means the [M116]Local Government Act 1933;

"1963 Act" means the [M117]London Government Act 1963;

[[F1045]"open space" has the meaning assigned to it by **[**[F1046]section 336(1) of the Town and Country Planning Act 1990**]**;**]**

"prescribed" means prescribed by regulations made by the Secretary of State;

[[F1047]"preserved county" means any county created by this Act as a county in Wales, as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of the Act of 1994, or any provision made under this Act, redrawing its boundaries;**]**

"principal area" means a **[**[F1048]non-metropolitan county**]**, a district or a London borough **[**[F1049]but, in relation to Wales, means a county or county borough.**]**;

"principal council" means a council elected for a principal area;

"public body" includes—

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(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;

F1050 . . . . . .

"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;

[F1051"sub-national transport body" means a sub-national transport body established under section 102E of the Local Transport Act 2008;**]**

"the Temples" means the Inner Temple and the Middle Temple;

F1052 …

(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;

(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.

[F1053(4A) Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive F1054. . . , subsection (4) above shall have effect with the omission of paragraphs (a) and (b).**]**

(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

F1023 Words in s. 270(1) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(e), 178(2), **Sch. 4 Pt. B**

F1024 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)**

F1025 S. 270(1): definitions inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 38**; S.I. 2009/3318, **art. 2(c)**

F1026 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**

F1027 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 8**(*a*)

F1028 S. 270(1): definition of elected mayor inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F1029 Words in s. 270(1) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 6(2)**; S.I. 2012/1008, art. 4(b)

F1030 S. 270(1): definition of executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(3)**; S.I. 2000/2849, **art. 2(e)**

F1031 Words in s. 270(1) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 6(3)**; S.I. 2012/1008, art. 4(b)

F1032 Definition inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 34**

F1033 Words in s. 270(1) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(v)**; S.I. 2015/994, art. 6(g)

F1034 S. 270(1): definition of "leader and cabinet executive" substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 10(2)**

F1035 S. 270(1): definition of "leader and cabinet executive (England)" inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 10(3)**

F1036 Words in s. 270(1) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 6(4)**; S.I. 2012/1008, art. 4(b)

F1037 S. 270(1): definition of "leader and cabinet executive (Wales)" inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 10(3)**

F1038 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1039 S. 270(1): words in definition of local authority substituted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 for certain purposes otherwise 1.4.1996) by 1994 c. 19, **s. 1(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, art. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**

F1040 S. 270(1): definition of local government area para.(b) substituted (24.10.1994, 3.4.1995 otherwise 1.4.1996) by 1994 c. 19, **s. 1(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/852, arts. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**

F1041 S. 270(1): definition of mayor and cabinet executive inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(5)**; S.I. 2000/2849, **art. 2(e)**

F1042 Words in s. 270(1) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 36(3)(b), 178(2), **Sch. 4 Pt. B** (with s. 36(5)-(8))

F1043 Words in s. 270(1) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 6(5)**; S.I. 2012/1008, art. 4(b)

F1044 S. 270(1): words in definition of new added (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 57** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**

F1045 Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), **Sch. 23 para. 20**

F1046 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(3)**

F1047 S. 270(1): definition of preserved county inserted (5.7.1994) by 1994 c. 19, **ss. 1(7)**, 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

F1048 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 16 para. 8**(*b*)

F1049 S. 270(1): words in definition of principal area inserted (24.10.1994, 20.3.1995, 3.4.1995, 1.10.1995 otherwise 1.4.1996) by 1994 c. 19, **s. 1(8)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2, **Sch.**; S.I. 1995/546, arts. 3, 4, **Sch.**; S.I. 1995/852, art. 3, **Sch. 1**; S.I. 1995/2490, art. 3, **Sch. 1**; S.I. 1995/3198, art. 3, **Sch. 1**

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F1050 Definition of "special community review" in s. 270(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1051 Words in s. 270(1) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 5**

F1052 Words in s. 270(1) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

F1053 S. 270(4A) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 12(1)(6)**; S.I. 2000/2849, **art. 2(e)**

F1054 Words in s. 270(4A) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 10(4)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**

Modifications etc. (not altering text)

C1095 S. 270 applied (11.9.1998) by 1998 c. 18, **ss. 53(2)**, 55(2)

Marginal Citations

M116 1933 c. 51.

M117 1963 c. 33.

271 Savings.

(1) [F1055] . . . . . .

(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

F1055 S. 271(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

272 Repeals.

(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 [M118] 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

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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
M118 1889 c. 63.

273 Commencement.

(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;
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);

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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) [F1056] . . . . . .

(6) [F1056] . . . . . .

(7) [F1056] . . . . . .

(8) [F1056] . . . . . .

(9) [F1056] . . . . . .

(10) [F1056] . . . . . .

Textual Amendments

F1056 S. 273(5)-(10) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

274 Short title and extent.

(1) This Act may be cited as the Local Government Act 1972.

(2) [F1057] . . . this Act shall not extend to Scotland.

(3) [F1058] . . ., this Act shall not extend to Northern Ireland.

Textual Amendments

F1057 Words in s. 274(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1058 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

Section 1.

COUNTIES AND METROPOLITAN DISTRICTS IN ENGLAND

Modifications etc. (not altering text)

C1096 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	*District (a)* 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, Shevington and Worthington. *District (b)* 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 Eagley 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. *District (c)* 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, *District (d)* 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.

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(1) Name of county	(2) Area by reference to existing administrative areas
Greater Manchester— *cont.*	*District (e)* 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. *District (f)* The county borough of Manchester. In the administrative county of Chester, in the rural district of Bucklow, the parish of Ringway. *District (g)* 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. *District (h)* 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. *District (j)* The county borough of Stockport. In the administrative county of Chester, the urban districts of Bredbury and Romiley, Cheadle and Gatley, Hazel Grove and Bramhall and Marple. *District (k)* In the administrative county of Chester— the boroughs of Dukinfield, Hyde and Stalybridge; the urban district of Longdendale. In the administrative county of Lancaster— the boroughs of Ashton-under-Lyne and Mossley; the urban districts of Audenshaw, Denton and Droylsden.

(1) Name of county	(2) Area by reference to existing administrative areas
Merseyside ...	*District (a)* 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. *District (b)* The county borough of Liverpool. *District (c)* 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 Billinge-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. *District (d)* In the administrative county of Lancaster— the urban districts of Huyton-with-Roby, Kirkby and Prescot; the rural district of Whiston except the areas in district (c) and Cheshire; in the rural district of West Lancashire, the parish of Simonswood. *District (e)* The county boroughs of Birkenhead and Wallasey. In the administrative county of Chester— the borough of Bebington; the urban districts of Hoylake and Wirral.
South Yorkshire ...	*District (a)* 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, Royston, 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;

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(1) Name of county	(2) Area by reference to existing administrative areas
South Yorkshire—*cont.*	in the rural district of Wortley, the parishes of Tankersley and Wortley. *District (b)* 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 4800, 4749, 5136 and 8630, and the detached part of the West ward which includes the hamlet of Hesley. *District (c)* 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. *District (d)* 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.
Tyne and Wear ...	*District (a)* 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 Woolsington; the Moot Hall and Precincts, Newcastle upon Tyne. *District (b)* 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.

(1) Name of county	(2) Area by reference to existing administrative areas
Tyne and Wear—*cont.*	*District (c)* 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*). *District (d)* The county borough of South Shields. In the administrative county of Durham— the borough of Jarrow; the urban districts of Boldon and Hebburn. *District (e)* 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 Burdon and Warden Law.
West Midlands ...	*District (a)* The county borough of Wolverhampton. *District (b)* The county borough of Walsall. In the administrative county of Staffordshire, the urban district of Aldridge-Brownhills. *District (c)* The county borough of Dudley. In the administrative county of Worcestershire, the boroughs of Halesowen and Stourbridge. *District (d)* The county boroughs of Warley and West Bromwich. *District (e)* The county borough of Birmingham. In the administrative county of Warwickshire, the borough of Sutton Coldfield. *District (f)* 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, Fordbridge, Hampton in Arden, Kingshurst and Meriden; in the rural district of Stratford-on-Avon, the parish of Hockley Heath.

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(1) Name of county	(2) Area by reference to existing administrative areas
West Midlands —*cont.*	*District (g)* The county borough of Coventry. In the administrative county of Warwickshire, in the rural district of Meriden, the parishes of Ailesley and Keresley.
West Yorkshire ...	*District (a)* 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 (*e*); in the rural district of Skipton, the parishes of Addingham, Kildwick and Steeton with Eastburn. *District (b)* 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, Horsforth, Otley and Rothwell; in the rural district of Tadcaster, the parishes of Aberford, Austhorpe, Barwick in Elmet and Scholes, Great and Little Preston, Ledsham, Ledston, Lotherton cum Aberford, Micklefield, Parlington, Sturton Grange and Swillington; in the rural district of Wetherby, the parishes of Bardsey cum Rigton, Boston Spa, Bramham cum Oglethorpe, Clifford, Collingham, East Keswick, Harewood, Scarcroft, Thorner, Thorp Arch, Walton, Wetherby and Wothersome; in the rural district of Wharfedale, the parishes of Arthington, Bramhope, Carlton and Pool. *District (c)* 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. *District (d)* 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, Meltham and Mirfield. *District (e)* 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, Hemsworth, Horbury, Knottingley, Normanton and Stanley; the rural district of Wakefield; the rural district of Hemsworth, 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 Thrubwell, Norton Malreward, Paulton, Publow, Stanton Drew, Stowey-Sutton and Timsbury and so much of the parishes of East Harptree, West Harptree, 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 Keynsham; 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, Horton and Wraysbury, the Britwell 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 Culcheth 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 Marske-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, Maltby, 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 Sedbergh.
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 Fordingbridge, 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 Startforth.
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 Salterforth.
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 Corton 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, Hunmanby, Muston and Reighton. 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—*cont.*	in the rural district of Wantage, the parishes of Ardington, Blewbury, Childrey, Chilton, Denchworth, East Challow, East Hanney, East Hendred, Grossey, 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

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 [M119]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
M119 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

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

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

Section 8.

CONSTITUTION AND MEMBERSHIP OF GREATER LONDON COUNCIL AND LONDON BOROUGH COUNCILS

PART I

Constitution

1 F1059(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.

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments
F1059 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 [F1060]. . . mayor of a London borough shall be elected annually by the council from among the councillors.

(2) The [F1060]. . . mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as [F1060]. . . mayor.

(3) During his term of office the [F1060]. . . mayor shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(4) [F1060]. . . a London borough council may pay the mayor, such allowance as the council think reasonable for the purpose of enabling the [F1060]. . . 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
F1060 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 [F1061]. . . mayor shall be the first business transacted at the annual meeting of [F1061]. . . a London borough council.

(2) If, apart from paragraph 2(3) above [F1061]. . ., 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
F1061 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

[F1062]4 . . . . . .

Textual Amendments
F1062 Sch. 2 para. 4 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Status: *Point in time view as at 04/04/2020.*
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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.

[F1063 Modifications of preceding provisions

Textual Amendments

F1063 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)**

F1064 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."

Textual Amendments

F1064 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)**

F1065 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.

Textual Amendments

F1065 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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[F1066F1067 5C (1) The council shall consist of an elected mayor, a chairman and councillors.

(2) A reference in this Act to a member of the council is a reference to—

(a) the chairman of the council,

(b) a councillor of the council, or

(c) the elected mayor of the council.]

Textual Amendments

F1066 Sch. 2 para. 5C substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 11(2)**

F1067 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)**

Modifications etc. (not altering text)

C1097 Sch. 2 para. 5C(1) restricted by 2000 c. 22, s. 9H(5) (as inserted (3.12.2011 for specified purposes, 9.3.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/628, art. 2(a))

F1068 5D 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

F1068 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)**

F1069 5E 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

F1069 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)**

F1070 5F Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to "mayor" there were substituted "chairman".

Textual Amendments

F1070 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)**

F1071 5G 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.

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Textual Amendments

F1071 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)**

[F1072]5H 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.

(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

F1072 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)**

[F1073]5I Paragraphs 5(4) above shall have effect as if for the expression " deputy mayor" there were substituted "vice-chairman".**]**

Textual Amendments

F1073 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) [F1074]. . . London borough councillors shall be elected by the local government electors for [F1074]. . . the borough, [F1074]. . ., in accordance with this Act and Part I of the **[**[F1075]Representation of the People Act 1983**]**.

[F1076](2) . . . . . .

(3) The ordinary election of London borough councillors shall take place in 1974 and **[**[F1077]every fourth year**]** thereafter, their term of office shall be **[**[F1077]four years**]** and they shall retire together in every **[**[F1077]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.

[F1078](4) . . . . . .

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Textual Amendments

F1074 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1075 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F1076 Sch. 2 para. 6(2) repealed by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), **s. 2(4)**

F1077 Words substituted by S.I. 1976/213, **art. 3**

F1078 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)

C1098 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}

Electoral divisions and wards

7 (1) Subject to the following provisions of this paragraph, for the purposes of the election of councillors—

[F1079](a) . . . . . .

(b) every London borough shall be divided into wards, each returning such number of councillors as is specified in any order made under **[**[F1080]Part II of the Local Government Act 1992**]**[[F1081]or Part 1 of the Local Government and Public Involvement in Health Act 2007**]**[[F1082]or section 59 of the Local Democracy, Economic Development and Construction Act 2009**]**;

and there shall be a separate election for each [F1079]. . . ward.

(2) Until provision is made as mentioned in sub-paragraph (1)(b) above by an **[**[F1083]order referred to in sub-paragraph (1)(b) above**]** , 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.

[F1084](3) . . . . . .

Textual Amendments

F1079 Sch. 2 para. 7(1)(*a*) and words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1080 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**

F1081 Words in Sch. 2 para. 7(1)(b)(2) inserted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 22, 245, **Sch. 1 para. 11(4)**; S.I. 2007/3136, **art. 2** (subject to art. 3)

F1082 Words in Sch. 2 para. 7(1)(b) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 4(2)**; S.I. 2009/3318, **art. 4(ff)**

F1083 Words in Sch. 2 para. 7(2) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 4(3)**; S.I. 2009/3318, **art. 4(ff)**

F1084 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**

[F1085]8 . . . . . .

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Textual Amendments

F1085 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

F1086 9–14 . . . . . .

Textual Amendments

F1086 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**

SCHEDULE 3

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 F1087 . . . . . .

Textual Amendments

F1087 Sch. 3 para. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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) 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 **F1088** . . . . . .

Textual Amendments

F1088 Sch. 3 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

First elections and meetings of new councils

5 **F1089** . . . . . .

Textual Amendments

F1089 Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

6 **F1090** . . . . . .

Textual Amendments

F1090 Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

7 **F1091** . . . . . .

Textual Amendments

F1091 Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

8 **F1092** . . . . . .

Textual Amendments

F1092 Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

9 **F1093** . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1093 Sch. 3 paras. 4 - 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Parish councillors

10 (1) Until provision is made to the contrary under Part I **[**[F1094]of this Act, Part II of the Local Government Act 1992 or **[**[F1095]Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007**]][**[F1096]or Part 3 of the Local Democracy, Economic Development and Construction Act 2009**]**—

(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 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 **[**[F1094]of this Act, Part II of the Local Government Act 1992 or **[**[F1097]Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007**]][**[F1096]or Part 3 of the Local Democracy, Economic Development and Construction Act 2009**]**, 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;

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(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 **[**[F1094]of this Act, Part II of the Local Government Act 1992 or **[**[F1098]Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007**]][**[F1096]or Part 3 of the Local Democracy, Economic Development and Construction Act 2009**]**.

Textual Amendments

F1094 Words in Sch. 3 para. 10(1)(2)(3) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 10**

F1095 Words in Sch. 3 para. 10(1) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 9(2)**; S.I. 2008/337, **art. 2(c)**

F1096 Words in Sch. 3 para. 10(1)(2)(3) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), **Sch. 4 para. 5**; S.I. 2009/3318, **art. 4(ff)**

F1097 Words in Sch. 3 para. 10(2) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 9(2)**; S.I. 2008/337, **art. 2(c)**

F1098 Words in Sch. 3 para. 10(3) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 9(2)**; S.I. 2008/337, **art. 2(c)**

Qualification for membership of local authority

11 [F1099] . . . . . .

Textual Amendments

F1099 Sch. 3 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

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

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a rural district which is co-extensive with a parish shall be held after the end of the year 1972 [F1100]. . . .

(2) [F1101]. . . . . .

(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) [F1102]. . . . . .

(5) [F1102]. . . . . .

(6) [F1102]. . . . . .

(7) [F1102]. . . . . .

(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) [F1103]. . . . . .

(c) [F1103]. . . . . .

(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) [F1104]. . . . . .

(c) [F1104]. . . . . .

(11) [F1105]. . . . . .

(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;

(b) [F1106]. . . . . .

(c) [F1106]. . . . . .

Status: *Point in time view as at 04/04/2020.*
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(13) F1107 . . . . . .

(14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.

Textual Amendments

F1100 Words in Sch. 3 para. 12(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1101 Sch. 3 para. 12(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1102 Sch. 3 para. 12(4)-(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1103 Sch. 3 para. 12(9)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1104 Sch. 3 para. 12(10)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1105 Sch. 3 para. 12(11) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1106 Sch. 3 para. 12(12)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

F1107 Sch. 3 para. 12(13) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

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) F1108 . . . . . .

(4) F1108 . . . . . .

(5) F1108 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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.

Textual Amendments

F1108 Sch. 3 para. 13(3)-(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

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 **F1109** . . . . . .

Textual Amendments

F1109 Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

16 **F1110** . . . . . .

Textual Amendments

F1110 Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

17 **F1111** . . . . . .

Textual Amendments

F1111 Sch. 3 paras. 15-17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Supplementary

18 In this Schedule "relevant year of election" means—

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(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

Section 20.

LOCAL GOVERNMENT AREAS IN WALES

[F1112PART I

COUNTIES

Textual Amendments

F1112 Sch. 4 Pt. I substituted (5.7.1994) by 1994 c. 19, ss. 1(2), 66(2)(b), **Sch. 1 para. 1** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Name	Area
Anglesey Sir Fôn	The district of Ynys Môn Isle of Anglesey.
Caernarfonshire and Merionethshire Sir Gaernarfon a Meirionnydd	The districts of Arfon, Dwyfor, and Meirionnydd.
Cardiff Caerdydd	The district of Cardiff, together with (from the district of Taff-Ely) the community of Pentyrch.
Cardiganshire Sir Aberteifi	The district of Ceredigion.
Carmarthenshire Sir Gaerfyrddin	The districts of Carmarthen, Llanelli and Dinefwr.
Denbighshire Sir Ddinbych	The district of Rhuddlan, together with (from the district of Glyndwjr) the communities of Aberwheeler, Cynwyd, Llandrillo, Henllan, Denbigh, Llandyrnog, Llangynhafal, Llanynys, Llanrhaeadr-yng-Nghinmeirch, Nantglyn, Cyffylliog, Ruthin, Llanbedr Dyffryn Clwyd, Llanferres, Clocaenog, Efenechtyd, Llandegla, Llanfair Dyffryn Clwyd, Llanarmon-yn-Iajl, Llanelidan, Derwen, Betws Gwerfil Goch, Gwyddelwern, Bryneglwys, Corwen, Llantysilio, Llangollen and Llangollen

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	Rural with (from the district of Colwyn) the communities of Trefnant and Cefnmeiriadog.
Flintshire Sir y Fflint	The districts of Alyn and Deeside and Delyn.
Monmouthshire Sir Fynwy	The district of Monmouth together with (from the district of Blaenau Gwent) the community of Llanelly.
Pembrokeshire Sir Benfro	The districts of Preseli Pembrokeshire and South Pembrokeshire, together with Caldey Island and St Margaret's Island.
Powys Powys	The districts of Montgomeryshire, Radnorshire and Brecknock, together with (from the district of Glyndwjr) the communities of Llanrhaeadr-ym-Mochnant, Llansilin and Llangedwyn.
Swansea Abertawe	The district of Swansea, together with (from the district of Lliw Valley) the communities of Gowerton, Llwchwr, Gorseinon, Grovesend, Pontardulais, Mawr, Pont-Lliw, Penllergaer, Llangyfelach and Clydach.**]**

[[F1113]PART II

COUNTY BOROUGHS

Textual Amendments

F1113 Sch. 4 Pt. II substituted (5.7.1994) by 1994 c. 19, ss. 1(2), 66(2)(b), **Sch. 1 para. 2** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Name	Area
Aberconwy and Colwyn Aberconwy a Cholwyn	The districts of Aberconwy and Colwyn, but excluding (from the district of Colwyn) the communities of Cefnmeiriadog and Trefnant.
Blaenau Gwent Blaenau Gwent	The district of Blaenau Gwent (excluding the community of Llanelly).
Bridgend Pen-y-bont ar Ogwr	The district of Ogwr, but excluding the communities of Wick, St Bride's Major and Ewenny.
Caerphilly Caerffili	The districts of Islwyn and Rhymney Valley.
Merthyr Tydfil Merthyr Tudful	The district of Merthyr Tydfil.
Neath and Port Talbot Castell-nedd a Phort Talbot	The districts of Neath and Port Talbot, together with (from the district of Lliw Valley) the communities of Pontardawe,

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	Gwaun-Cae-Gurwen, Cwmllynfell, Ystalyfera and Cilybebyll.
Newport Casnewydd	The district of Newport.
Rhondda, Cynon, Taff Rhondda, Cynon, Taf	The districts of Rhondda, Cynon Valley, and Taff-Ely, but excluding (from the district of Taff-Ely) the community of Pentyrch.
Torfaen Tor-faen	The district of Torfaen.
The Vale of Glamorgan Bro Morgannwg	The district of Vale of Glamorgan, together with (from the district of Ogwr) the communities of Wick, St Bride's Major and Ewenny.
Wrexham Wrecsam	The district of Wrexham Maelor, together with (from the district of Glyndwjr) the communities of Chirk, Glyntraian, Llansantffraid Glyn Ceiriog, and Ceiriog Ucha.**]**

[[F1114]PART III

THE PRESERVED COUNTIES AND THEIR AREAS

Textual Amendments

F1114 Sch. 4 Pt. III substituted (5.7.1994) by 1994 c. 19, ss. 1(2), 66(2)(b), **Sch. 1 para. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Name	Area
Clwyd	The county of Clwyd, but excluding the communities of Llanrhaeadr-ym-Mochnant, Llansilin and Llangedwyn.
Dyfed	The county of Dyfed.
Gwent	The county of Gwent.
Gwynedd	The county of Gwynedd.
Mid Glamorgan Morgannwg Ganol	The county of Mid Glamorgan, but excluding the communities of Wick, St Bride's Major, Ewenny and Pentyrch.
Powys	The county of Powys with the addition of the communities of Llanrhaeadr-ym-Mochnant, Llansilin and Llangedwyn from the county of Clwyd.
South Glamorgan De Morgannwg	The county of South Glamorgan with the addition of the communities of Wick, St Bride's Major, Ewenny and Pentyrch from the county of Mid Glamorgan.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

West Glamorgan Gorllewin Morgannwg.	The county of West Glamorgan.]

[F1115]PART IV

Textual Amendments

F1115 Sch. 4 Pt. IV repealed (1.10.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 58, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), **Sch. 3**

. . . . . .

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 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.

[[F1116]SCHEDULE 5

ESTABLISHMENT OF NEW PRINCIPAL COUNCILS

Textual Amendments

F1116 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[F1117]*Election of councillors*

Textual Amendments

F1117 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[F1118]1 The elections of councillors of the new principal councils which are to be held in 1995 shall be held on a date fixed by the Secretary of State by order.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1118 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[F1119] *Electoral divisions*

Textual Amendments

F1119 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[F1120] 2 (1) For the purpose of any election of such councillors, each principal area shall be divided into electoral divisions specified in an order made by the Secretary of State after carrying out (either before or after the passing of the Local Government (Wales) Act 1994) 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 division.

(3) There shall be a separate election of councillors for each electoral division.

(4) An order under this paragraph may contain such incidental, consequential, transitional or supplemental provision as the Secretary of State considers appropriate.

Textual Amendments

F1120 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

[F1121] *First elections of new councils*

Textual Amendments

F1121 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

3 [F1122] . . . . . .

Textual Amendments

F1122 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F1123] *Declarations of acceptance of office*

Textual Amendments

F1123 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

4 **F1124** . . . . . .

Textual Amendments

F1124 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1125] *First meetings of new principal councils*

Textual Amendments

F1125 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

5 **F1126** . . . . . .

Textual Amendments

F1126 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

6 **F1127** . . . . . .

Textual Amendments

F1127 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

7 **F1128** . . . . . .

Textual Amendments

F1128 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F1129] *Qualification for membership*

Textual Amendments

F1129 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

8 [F1130] . . . . . .

Textual Amendments

F1130 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1131] *Suspension of elections*

Textual Amendments

F1131 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

9 [F1132] . . . . . .

Textual Amendments

F1132 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1133] *Appropriate transition committee*

Textual Amendments

F1133 Sch. 5 (paras. 1-10) substituted (5.7.1994) for Sch. 5 (paras. 1-15) by 1994 c. 19, ss. 3, 66(2)(a)(b), **Sch. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

10 [F1134] . . . . . .]

Textual Amendments

F1134 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Qualification for membership of local authority

. . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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—

(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.

Status: *Point in time view as at 04/04/2020.*
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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.

[F1135]SCHEDULE 6

. . . . . .

Textual Amendments

F1135 Sch. 6 repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**

[F1136]SCHEDULE 7

. . . . . .

Textual Amendments

F1136 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**

[F1137]SCHEDULE 8

Section 53.

. . . . . .

Textual Amendments

F1137 Sch. 8 repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F1138]SCHEDULE 9

. . . . . .

Textual Amendments

F1138 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**

[F1139]SCHEDULE 10

. . . . . .

Textual Amendments

F1139 Sch. 10 (paras. 1-15) repealed (1.10.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 60, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5, **Sch. 3**

[F1140]SCHEDULE 11

Section 78.

Rules to be Observed in Considering Electoral Arrangements

Textual Amendments

F1140 Sch. 11 repealed (W.) (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**

Modifications etc. (not altering text)

C1099 Sch. 11 applied (6.3.1992) by Local Government Act 1992 (c. 19), **s. 27(2)**

Counties

[F1141]1 . . . . . .

Textual Amendments

F1141 Sch. 11 para. 1 repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 146(1), 148(3), Sch. 4 para. 6(2), **Sch. 7 Pt. 3**; S.I. 2009/3318, **art. 4(ff)(hh)**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F1142 Welsh counties and county boroughs]

Textual Amendments

F1142 Sch. 11 para. 1A and preceeding 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))

F1140 1A . . . . . .

F1143 2 . . . . . .

Textual Amendments

F1143 Sch. 11 para. 2 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Districts and London boroughs

F1144 3 . . . . . .

Textual Amendments

F1144 Sch. 11 para. 3 repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 146(1), 148(3), Sch. 4 para. 6(2), **Sch. 7 Pt. 3**; S.I. 2009/3318, **art. 4(ff)(hh)**

Parishes and communities

[F1140 4 (1) This paragraph applies to the consideration F1145 . . ., F1146 . . . [F1147 by a Welsh principal council] 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—

(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

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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.**]**

Textual Amendments

F1145 Words in Sch. 11 para. 4(1) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, **Sch. 2 para. 2(4)**

F1146 Words in Sch. 11 para. 4(1) repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 146(1), 148(3), Sch. 4 para. 6(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, **art. 4(ff)(hh)**

F1147 Words in Sch. 11 para. 4 inserted (5.7.1994) by 1994 c. 19, **ss. 7(4)**, 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

F1148 5 . . . . . .

Textual Amendments

F1148 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

Section 99.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

C1100 Sch. 12 modified (5.11.2008) by The Local Elections (Ordinary Day of Elections in 2009) Order 2008 (S.I. 2008/2857), **art. 6**

C1101 Sch. 12 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, 86(9)

C1102 Sch. 12 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 2(4)**

C1103 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)**

C1104 Sch. 12 modified (E.) (7.9.2013) by The Local Elections (Ordinary Day of Elections in 2014) Order 2013 (S.I. 2013/2277), arts. 1(1), **5**

C1105 Sch. 12 modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), regs. 1, **6** (with reg. 2(4))

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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

PRINCIPAL COUNCILS

Modifications etc. (not altering text)

C1106 Sch. 12 Pt. 1 applied (07.08.1991) by S.I.1991/1773, arts. 6, 8, **Sch. 1**.
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (07.08.1991) by S.I.1991/1773, arts. 6, 8, **Sch.1**.

C1107 Sch. 12 Pt. 1 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

C1108 Sch. 12 Pt. 1 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C1109 Sch. 12 Pt. 1 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

1 (1) A principal council shall in every year hold an annual meeting.

(2) The annual meeting of a principal council [F1149]. . . 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;

[[F1150](aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor 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.

[F1151](3) . . . . . .

(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

F1149 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1150 Sch. 12 para. 1(2)(aa) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 6**

F1151 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)

C1110 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)

C1111 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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C1112 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.

(2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed [F1152]. . . 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 [F1152]. . . 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

F1152 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

C1113 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.

[[F1153](1A) Five clear days at least before a meeting of a principal council in England—

(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 at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.

(1B) In sub-paragraph (1A)—

(a) "authenticated" means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post to, the member's usual place of residence, or

(ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post to, that different address, or

(iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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) Three clear days at least before a meeting of a principal council **[**[F1154]in Wales**]**—

(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 sub-paragraph (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 **[**[F1155]in Wales**]** 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.

Textual Amendments

F1153 Sch. 12 para. 4(1A)(1B) inserted (E.) (30.1.2015) by The Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5), arts. 1(1), **2(2)** [Editorial note: This amendment supersedes the previous substitution of words (E.) (30.3.2014) in Sch. 12 para. 4(2) by Local Audit and Accountability Act 2014 (c. 2), **ss. 40(6)(11)**, 49(2)]

F1154 Words in Sch. 12 para. 4(2) inserted (E.) (30.1.2015) by The Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5), arts. 1(1), **2(3)**

F1155 Words in Sch. 12 para. 4(3) inserted (E.) (30.1.2015) by The Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5), arts. 1(1), **2(3)**

Modifications etc. (not altering text)

C1114 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)

C1115 Sch. 12 para. 4(2) excluded by Local Government Act 1985 (c. 51, SIF 81:1), **s. 86(9)**

C1116 Sch. 12 para. 4(2) restricted by S.I. 1985/1884, **art. 11(3)**

[[F1156]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.**]**

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F1156 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—

(a) [F1157]. . ., the vice-chairman of the council, if present, shall preside;

[F1158](b) . . . . . .

(c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor [F1159]. . . and is chosen for that purpose by the members of the council then present, shall preside.

(3) If—

(a) in the case of a principal council [F1160]. . ., both the chairman and vice-chairman of the council are absent from a meeting of the council;

[F1161](b) . . . . . .

(c) 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.

[[F1162](4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

[F1162](5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive [F1163]. . . . ”]

Textual Amendments

F1157 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1158 Sch. 12 para. 5(2)(*b*) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1159 Words repealed by S.I. 1977/1710, **art. 3**(*c*)

F1160 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1161 Sch. 12 para. (3)(*b*) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F1162 Sch. 12 para. 5(4)(5) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 14(1)(2)**; S.I. 2000/2849, **art. 2(e)**

F1163 Words in Sch. 12 para. 5(5) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 12(2)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**

Modifications etc. (not altering text)

C1117 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.

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Modifications etc. (not altering text)

C1118 Sch. 12 para. 6 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**

[F1164 6ZA (1) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a principal council in England which is a fire and rescue authority.

(2) Sub-paragraph (1) applies—

(a) only if and to the extent that the business of the meeting relates to the functions of the principal council as a fire and rescue authority, and

(b) only if the council have consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.

(3) If a request under sub-paragraph (2)(b) is made to a principal council, the council must—

(a) consider the request,

(b) give reasons for their decision to agree to or refuse the request, and

(c) publish those reasons in such manner as they think appropriate.

(4) If the principal council agree to the request, the relevant police and crime commissioner is to be treated as a member of the council for the purposes of the following provisions of this Schedule in the case of a meeting which relates to the functions of the council as a fire and rescue authority—

(a) paragraph 3(2);

(b) paragraph 4(1A);

(c) paragraph 5(3);

(d) paragraph 6;

(e) paragraph 39;

(f) paragraph 40;

(g) paragraph 41(3);

(h) paragraph 43.

(5) In this paragraph "relevant police and crime commissioner", in relation to a principal council, means a police and crime commissioner—

(a) whose area is the same as, or contains all of, the area of the principal council, or

(b) all or part of whose area falls within the area of the principal council.]

Textual Amendments

F1164 Sch. 12 Pt. 1 para. 6ZA inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 7(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 3

Modifications etc. (not altering text)

C1119 Sch. 12 Pt. 1 para. 6ZA excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 2(c)**

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[F1165 PART IA

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

Textual Amendments

F1165 Sch. 12 Pt. IA inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 35(2)**

[F1166 6A (1) Paragraph 1 above applies to a joint authority [F1167, an economic prosperity board, [F1168 or] a combined authority]F1169.... . . 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.

F1170 (2) . . . . . .]

Textual Amendments

F1166 Sch. 12 para. 6A substituted by Local Government Act 1986 (c. 10, SIF 81:1), **s. 10(3)**

F1167 Words in Sch. 12 para. 6A(1) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 39**; S.I. 2009/3318, **art. 2(c)**

F1168 Word in Sch. 12 para. 6A(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)

F1169 Words in Sch. 12 para. 6A(1) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)

F1170 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)

C1120 Sch. 12 para. 6A amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**

C1121 Sch. 12 para. 6A modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**
Sch. 12 para. 6A excluded (10.5.2000) by S.I. 2000/1095, **art. 5(2)**

C1122 Sch. 12 para. 6A(1) modified (25.5.2001 with effect for the year 2001) by S.I. 2001/1630, **art. 2**
Sch. 12 para. 6A(1) modified (13.3.2004) by S.I. 2004/222, **art. 4(2)**

6B The other provisions of Part I of this Schedule [F1171 other than paragraph 6ZA] shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that

[F1172 (a)] the number of members mentioned in paragraph 3(2) shall be three, F1173...

F1173 (b) . . . . . .

(c) F1174 . . . . . .]

Textual Amendments

F1171 Words in Sch. 12 Pt. 1A para. 6B inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 7(4)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 3

F1172 Word in Sch. 12 para. 6B inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 15(3)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**

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F1173 Sch. 12 para. 6B(b) and word omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)

F1174 Sch. 12 para. 6B(c) and preceding word repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch. 6 para. 32(b)(ii), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art.4)

Modifications etc. (not altering text)

C1123 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

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.

(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)

C1124 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 **[**[F1175]premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)**]** 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

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of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

[[F1176](b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and certified by the proper officer of the council, shall be sent to every member of the council by an appropriate method.**]**

[[F1177](2A) In sub-paragraph (2)—

(a) "authenticated" means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post to, the member's usual place of residence, or

(ii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.**]**

(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.

Textual Amendments

F1175 Words in Sch. 12 para. 10(1) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 61(2)(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

F1176 Sch. 12 para. 10(2)(b) substituted (30.1.2015) by The Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5), arts. 1(1), **2(4)(a)**

F1177 Sch. 12 para. 10(2A) inserted (30.1.2015) by The Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5), arts. 1(1), **2(4)(b)**

Modifications etc. (not altering text)

C1125 Sch. 12 para. 10 applied (4.3.1996) by S.I. 1996/263, **reg. 8(5)**

C1126 Sch. 12 para. 10 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(3)**

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.

(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.

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(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)

C1127 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

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 **[**[F1178]premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)**]** , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

Textual Amendments

F1178 Words in Sch. 12 para. 14(5) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 61(3)(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

Modifications etc. (not altering text)

C1128 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

(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

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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) **[**[F1179]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.**]**

(5) **[**[F1179]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 **[**[F1180]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-

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mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.**]**

(6) **[**[F1179]Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.**]**

[[F1181](7) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting, subject to regulations made under sub-paragraph (8).

(8) The Secretary of State may by regulations make provision about polls consequent on parish meetings, in particular about—

(a) the questions arising at a meeting on which a poll may be demanded,

(b) the circumstances in which a poll may or must be taken (including provision as to the number of local government electors who must demand a poll for a poll to be taken), and

(c) the conduct of a poll.

(9) Regulations under sub-paragraph (8)(c) may apply any electoral enactment (with or without modifications) to polls consequent on parish meetings.

(10) In sub-paragraph (9) "electoral enactment" means an enactment which relates to elections or referendums.

(11) A statutory instrument containing regulations under sub-paragraph (8) is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F1179 Sch. 12 para. 18(4)-(6) omitted (4.4.2014 for specified purposes) by virtue of Local Audit and Accountability Act 2014 (c. 2), **ss. 42(2)**, 49(1); S.I. 2014/900, art. 2(g)

F1180 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 14**

F1181 Sch. 12 para. 18(7)-(11) inserted (4.4.2014 for specified purposes) by Local Audit and Accountability Act 2014 (c. 2), **ss. 42(3)**, 49(1); S.I. 2014/900, art. 2(g)

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.

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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

(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

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)
C1129 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.

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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 **[**[F1182]premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)**]** 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 community council—

(a) notice of the time and place of the intended meeting shall be **[**[F1183]published electronically and**]** 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

[[F1184](aa) any documents relating to the business to be transacted at the meeting must be published electronically (in so far as reasonably practicable),**]**

(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.

[[F1185](2A) The duty of a community council under sub-paragraph (2)(aa) to publish documents relating to the meeting does not apply where—

(a) the documents relate to business which in the opinion of the council is likely to be transacted in private, or

(b) the disclosure of such documents would be contrary to any enactment.**]**

(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.

Textual Amendments

F1182 Words in Sch. 12 para. 26(1) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 61(2)(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

F1183 Words in Sch. 12 para. 26(2)(a) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(a)(i)**, 75(3); S.I. 2015/1182, art. 2(c)

F1184 Sch. 12 para. 26(2)(aa) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(a)(ii)**, 75(3); S.I. 2015/1182, art. 2(c)

F1185 Sch. 12 para. 26(2A) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(b)**, 75(3); S.I. 2015/1182, art. 2(c)

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[F1186 26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.

(2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.

(3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.

(4) In sub-paragraph (2) "relevant period" means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.]

Textual Amendments

F1186 Sch. 12 para. 26A inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 96**, 178(3); S.I. 2012/1187, art. 2(1)(k)

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.

[F1187 29A (1) This paragraph applies where—

(a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,

(b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and

(c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.

(2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what

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action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.

(3) Notice under sub-paragraph (2) above must be given—

(a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and

(b) as soon as is reasonably practicable after the meeting of the community council was held.

(4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.

(5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.

(6) Where a principal council is given notice under sub-paragraph (4)—

(a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and

(b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.

(7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.

(8) In this paragraph—

"anonymous registrant in the register of local government electors" means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;

"relevant convening notice" means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;

"relevant registration officer" means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.**]**

Textual Amendments

F1187 Sch. 12 para. 29A inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 97**, 178(3); S.I. 2012/1187, art. 2(1)(k)

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PART V

COMMUNITY MEETINGS

30 (1) **[**[F1188]Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.**]**

[[F1189](2) Except in a case falling within sub-paragraph (3) below, public notice of **[**[F1190]a community meeting convened under sub-paragraph (1) above**]** shall be given not less than 7 clear days before the meeting.

(3) Where any business proposed to be transacted at **[**[F1191]a community meeting convened under sub-paragraph (1) above**]** relates to **[**[F1192]the existence of the community council or the grouping of the community with other communities**]**, public notice of the meeting shall be given not less than 30 clear days before the meeting.

(3A) The notice required by sub-paragraph (2) or (3) above shall—

(a) specify the time and place of the intended meeting;

(b) specify the business to be transacted at the meeting; and

(c) be signed by the person or persons convening the meeting.**]**

(4) Public notice of **[**[F1191]a community meeting convened under sub-paragraph (1) above**]** 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.

[[F1193](5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.**]**

Textual Amendments

F1188 Sch. 12 para. 30(1) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(1)(a)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1189 Sch. 12 para. 30(2)(3)(3A) substituted (1.4.1996) for Sch. 12 para. 30(2)(3) by 1994 c. 19, **s. 12(2)**; S.I. 1995/3198, art. 3, **Sch. 1**

F1190 Words in Sch. 12 para. 30(2) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(1)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1191 Words in Sch. 12 para. 30(3)(4) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(1)(c)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1192 Words in Sch. 12 para. 30(3) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(1)(d)**, 178(3) (with s. 115); S.I. 2012/1187, art. 2(1)(k)

F1193 Sch. 12 para. 30(5) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(1)(e)**, 178(3) (with s. 115); S.I. 2012/1187, art. 2(1)(k)

[[F1194]30A A community meeting may also be convened at any time by not less than—

(a) 10% of the local government electors for the community, or

(b) 50 of the electors (if 10% of the electors exceeds 50 electors).**]**

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Textual Amendments

F1194 Sch. 12 para. 30A inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 88(2)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

[F1195 30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

(a) in a case where there is a community council for the community, to the community council, or

(b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

(a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;

(b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;

(c) the business which is proposed to be transacted at the meeting;

(d) the proposed time and place at which the meeting is to be held.

[F1196 (3) The notice must be given—

(a) in writing (but not in an electronic form), or

(b) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C.]

(4) In sub-paragraph (2) above—

(a) "address" means the individual's qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;

(b) "signature" means—

(i) where a notice is in writing, an individual's signature or, if the individual cannot give a signature, a signature given on the individual's behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;

(ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.

(5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.

(6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—

(a) need not include the individual's name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and

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(b) need not include a signature in respect of the individual.

(7) Where a notice is in electronic form, it is to be treated as given to a principal council **[**[F1197]or community council**]** when the notice is given in accordance with whatever requirements the **[**[F1198]principal council**]** has set as to the giving of such notices under paragraph 30C(2) below.**]**

Textual Amendments

F1195 Sch. 12 para. 30B inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 89**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1196 Sch. 12 para. 30B(3) substituted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(c)(i)**, 75(3); S.I. 2015/1182, art. 2(c)

F1197 Words in Sch. 12 para. 30B(7) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(c)(ii)**, 75(3); S.I. 2015/1182, art. 2(c)

F1198 Words in Sch. 12 para. 30B(7) substituted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(c)(iii)**, 75(3); S.I. 2015/1182, art. 2(c)

[[F1199]**30C** (1) For the purposes of paragraph 30B(1), each community council and principal council must provide a facility for notices to be given in electronic form ("electronic notices").**]**

(2) **[**[F1201]A principal council must set for its area**]** and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—

(a) the authentication requirements to be met by an electronic signature included within an electronic notice, and

(b) the other technical requirements to be met by and in relation to an electronic notice.**]**

Textual Amendments

F1199 Sch. 12 para. 30C inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 90**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1200 Sch. 12 para. 30C(1) substituted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(d)(i)**, 75(3); S.I. 2015/1182, art. 2(c)

F1201 Words in Sch. 12 para. 30C(2) substituted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(d)(ii)**, 75(3); S.I. 2015/1182, art. 2(c)

[[F1202]**30D** (1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—

(a) whether the group of individuals to whom the notice relates is comprised of—

(i) at least 50 local government electors for the community in question, or

(ii) at least 10% of the local government electors for the community in question, and

(b) whether the notice meets the requirements of paragraph 30B above.

(2) If the council is of the opinion that—

(a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and

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(b) the notice meets the requirements of paragraph 30B above,

the council must give a public notice in accordance with paragraph 30E below.

(3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.

(4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.

(5) In sub-paragraph (4) above, "relevant registration officer" means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.**]**

Textual Amendments

F1202 Sch. 12 para. 30D inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 91**, 178(3); S.I. 2012/1187, art. 2(1)(k)

[F1203 30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.

(2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.

(3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.

(4) The public notice must—

(a) specify the time and place of the intended meeting;

(b) specify the business to be transacted at the meeting;

(c) be signed by the proper officer.

(5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.

(6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.

(7) 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,

F1204 **[** (aa) by publishing the notice electronically, and**]**

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(b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.

(8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.**]**

Textual Amendments

F1203 Sch. 12 para. 30E inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 92**, 178(3); S.I. 2012/1187, art. 2(1)(k)

F1204 Sch. 12 para. 30E(7)(aa) inserted (1.5.2015) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 57(e)**, 75(3); S.I. 2015/1182, art. 2(c)

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 **[**[F1205]premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)**]** , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

Textual Amendments

F1205 Words in Sch. 12 para. 32(2) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), **Sch. 6 para. 61(3)(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

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.

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[[F1206](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—

(a) the poll is demanded by a majority of the local government electors present at the meeting, and

(b) the electors demanding a poll constitute not less than—

(i) 10% of the local government electors for the community, or

(ii) 150 of the electors (if 10% of the electors exceeds 150 electors).**]**

(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 [M121]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.

(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

F1206 Sch. 12 para. 34(4) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 93**, 178(3); S.I. 2012/1187, art. 2(1)(k)

Marginal Citations

M121 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 **[**[F1207]principal area**]** 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.

Textual Amendments

F1207 Words in Sch. 12 para. 35(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 62**; S.I. 1996/396, art. 4, **Sch. 2**

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.

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(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.

[F1208 38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.

(2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.

(3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—

(a) the question posed by the poll, and

(b) the fact that that a majority of those voting were in favour of that question.

(4) In sub-paragraph (3) above, "relevant principal council" means the principal council in whose area lies the community of the community meeting at which the poll was demanded.

(5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.

(6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

F1208 Sch. 12 para. 38A inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 94**, 178(3); S.I. 2012/1187, art. 2(1)(k)

[F1209 38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the

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officer's opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

(2) Those descriptions are—
- (a) a question which relates only to the functions of the principal council,
- (b) a question which relates only to the functions of a community council for the relevant community,
- (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.

(3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).

(4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

(5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—
- (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
- (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

(6) A notice required to be given by this paragraph must—
- (a) be given in writing,
- (b) be given as soon as is reasonably practicable after the date of determination, and
- (c) include the monitoring officer's reasons for the determination to which the notice relates.**]**

Textual Amendments

F1209 Sch. 12 para. 38B inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 95(1)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

Modifications etc. (not altering text)

C1130 Sch. 12 Pt. 6 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

Status: *Point in time view as at 04/04/2020.*
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Sch. 12 Pt. 6: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

C1131 Sch. 12 Pt. 6 applied (07.08.1991) by S.I.1991/1773, art. 6, 8, **Sch. 1**.
Sch. 12 Pt. 6: certain functions transferred (subject to modifications) (07.08.1991) by S.I.1991/1773, arts. 6, 8, **Sch. 1**.

C1132 Sch. 12 Pt. 6 (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. 6 (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. 6 (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. 6 (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. 6 (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. 6 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)

C1133 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**

C1134 Sch. 12 Pt. 6 applied (with modifications) (E.) (24.3.2011) by virtue of The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**

C1135 Sch. 12 Pt. 6 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**

C1136 Sch. 12 Pt. 6 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

C1137 Sch. 12 Pt. 6 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

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)

C1138 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)**

C1139 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C1140 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)

C1141 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C1142 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)

C1141 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C1143 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)**

C1144 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C1145 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)

C1146 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C1147 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

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 **[**[F1210]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 **[**[F1210]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.

[[F1211](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

F1210 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**.

F1211 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**.

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Modifications etc. (not altering text)

C1141 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C1146 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C1147 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C1148 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)**

C1149 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C1150 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.

Modifications etc. (not altering text)

C1141 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C1146 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C1147 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C1151 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**

C1152 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C1153 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)

C1141 Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

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C1146 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C1147 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C1154 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)**

C1155 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**

C1156 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)

C1157 Sch. 12 para. 43 excluded by 1990 c. 8, s. 319ZB(3) (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), **ss. 39(1)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a))

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)

C1146 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

C1147 Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C1158 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)**

C1159 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.

[[F1212]46 In this Part of this Schedule "local authority" includes a joint authority [F1213].... . . [F1214]. . . and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.**]**

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Textual Amendments

F1212 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)**

F1213 Words in Sch. 12 para. 46 omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(4)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)

F1214 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)

C1160 Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**

C1161 Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

[F1215 SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

Textual Amendments

F1215 Sch. 12A substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), art. 4, **Sch.**

Modifications etc. (not altering text)

C1162 Sch. 12A applied (with modifications) (6.4.2008) by The Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580), **art. 9**

C1163 Sch. 12A applied (with modifications) (8.5.2008) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), **reg. 8(6)**

C1164 Sch. 12A applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 1**

C1165 Sch. 12A applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

C1166 Sch. 12A applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

Modifications etc. (not altering text)

C1167 Sch. 12A Pts. 1-3 applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3))

C1168 Sch. 12A Pts. 1-3 applied (with modifications) by S.I. 2001/2812, reg. 7(4) (as substituted (1.3.2006) by S.I. 2006/87, **reg. 2(b)**)

1 Information relating to any individual.

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Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1169 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1170 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1171 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

2 Information which is likely to reveal the identity of an individual.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1172 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1173 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1174 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1175 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1176 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1177 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

4 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.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1178 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1179 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

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C1180 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1181 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1182 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1183 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

6 Information which reveals 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.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1184 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1185 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1186 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1187 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1188 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1189 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

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PART 2

QUALIFICATIONS: ENGLAND

Modifications etc. (not altering text)

C1190 Sch. 12A Pts. 1-3 applied (with modifications) by S.I. 2001/2812, reg. 7(4) (as substituted (1.3.2006) by S.I. 2006/87, **reg. 2(b)**)

8 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

(a) **[**[F1216]the Companies Acts (as defined in section 2 of the Companies Act 2006)**]**;

(b) the Friendly Societies Act 1974 [M122];

(c) the Friendly Societies Act 1992 [M123];

[[F1217](d) the Co-operative and Community Benefit Societies Act 2014;**]**

(e) the Building Societies Act 1986 [M124]; or

[[F1218](f) the Charities Act 2011.**]**

Textual Amendments

F1216 Words in Sch. 12A para. 8(a) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), arts. 1(3)(a), 10(1), **Sch. 4 para. 32**

F1217 Sch. 12A para. 8(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 24(2)** (with Sch. 5)

F1218 Sch. 12A para. 8(f) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 28** (with s. 20(2), Sch. 8)

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1191 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1192 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1193 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

Marginal Citations

M122 1974 c. 46.

M123 1992 c. 40.

M124 1986 c. 53.

9 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission **[**[F1219]or permission in principle**]** pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 [M125].

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1219 Words in Sch. 12A para. 9 inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **2(2)**

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1194 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1195 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1196 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

Marginal Citations

M125 S.I. 1992/1492.

10 Information which—

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1197 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1198 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1199 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

PART 3

INTERPRETATION: ENGLAND

Modifications etc. (not altering text)

C1200 Sch. 12A Pts. 1-3 applied (with modifications) by S.I. 2001/2812, reg. 7(4) (as substituted (1.3.2006) by S.I. 2006/87, **reg. 2(b)**)

11 (1) In Parts 1 and 2 and this Part of this Schedule—

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

"labour relations matter" means—

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 [M126](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;

"registered" in relation to information required to be registered under the Building Societies Act 1986 [M127], means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of 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.

Modifications etc. (not altering text)

C285 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C1201 Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(c)**

C1202 Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(c)**

C1203 Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(c)**

Marginal Citations

M126 1992 c. 52.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

M127 1986 c. 53.

[F1220 PART 4

DESCRIPTIONS OF EXEMPT INFORMATION: WALES

Textual Amendments

F1220 Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), art. 3, **Sch.**

Modifications etc. (not altering text)

C1204 Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007 (S.I. 2007/951), **reg. 4**

12 Information relating to a particular individual.

13 Information which is likely to reveal the identity of an individual.

14 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

15 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.

16 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

17 Information which reveals 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.

18 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

[F1221 PART 5

QUALIFICATIONS: WALES

Textual Amendments

F1221 Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), art. 3, **Sch.**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C1205 Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007 (S.I. 2007/951), **reg. 4**

19 Information falling within paragraph 14 above is not exempt information by virtue of that paragraph if it is required to be registered under —

(a) **[**[F1222]the Companies Acts (as defined in section 2 of the Companies Act 2006)**]**;

(b) the Friendly Societies Act 1974 [M128];

(c) the Friendly Societies Act 1992 [M129];

[[F1223](d) the Co-operative and Community Benefit Societies Act 2014;**]**

(e) the Building Societies Act 1986 [M130]; or

[[F1224](f) the Charities Act 2011.**]**

Textual Amendments

F1222 Words in Sch. 12A para. 19(a) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), **arts. 1(3)(a)** 10(1), {Sch. 4 para. 32}

F1223 Sch. 12A para. 19(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 24(3)** (with Sch. 5)

F1224 Sch. 12A para. 19(f) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 28** (with s. 20(2), Sch. 8)

Marginal Citations

M128 1974 c. 46.

M129 1992 c. 40.

M130 1986 c. 53.

20 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 [M131].

Marginal Citations

M131 S.I. 1992/1492.

21 Information which —

(a) falls within any of paragraphs 12 to 15, 17 and 18 above; and

(b) is not prevented from being exempt by virtue of paragraph 19 or 20 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**]**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[F1225 PART 6

INTERPRETATION: WALES

Textual Amendments

F1225 Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), art. 3, **Sch.**

Modifications etc. (not altering text)

C1206 Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007 (S.I. 2007/951), **reg. 4**

22 (1) In Parts 4 and 5 and this Part of this Schedule —

"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 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 [M132] (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;

"registered" in relation to information required to be registered under the Building Societies Act 1986 [M133], means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 4 and 5 and this Part of 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 —

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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.**]]**

Marginal Citations

M132 1992 c. 52.

M133 1986 c. 53.

[[F1226]SCHEDULE 12B

Section 137(4)(a)

APPROPRIATE SUM UNDER SECTION 137(4)

Textual Amendments

F1226 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. I; 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 **[**[F1227]Statistics Board**]** .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(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 **[**[F1228]the Board**]** .

(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.

Textual Amendments

F1227 Words in Sch. 12B para. 3(6) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), ss. 60(1), 74, **Sch. 3 para. 1(a)**; S.I. 2008/839, **art. 2**

F1228 Words in Sch. 12B para. 3(7) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), ss. 60(1), 74, **Sch. 3 para. 1(b)**;S.I. 2008/839, **art. 2**

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

Section 172.

LOANS AND OTHER FINANCIAL PROVISIONS

PART I

[F1229] 1–22 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1229 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

AMENDMENTS WITH RESPECT TO FINANCE AND RATING

F1230 23 . . . . . .

Textual Amendments

F1230 Sch. 13 para. 23 repealed by S.I. 1990/776, art. 3, **Sch. 1**

The Rural Water Supplies and Sewerage Act 1944

24 F1231 . . . . . .

Textual Amendments

F1231 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 F1232 . . . . . .

Textual Amendments

F1232 Sch. 13, para. 25 repealed (21. 8. 1998) by S.I.1991/1730, arts. 1, 2(1), **Sch. 1**.

F1233 26 . . . . . .

Textual Amendments

F1233 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**

F1234 27 . . . . . .

Textual Amendments

F1234 Sch. 13 para. 27 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

The [M134]General Rate Act 1967

Marginal Citations
M134 1967 c. 9.

28 (1) The [M135]General Rate Act 1967 shall be amended in accordance with the following provisions of this paragraph.

[X5](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 ".

[X5](3) In section 38(4), for the word "counties" there shall be substituted the words " non-metropolitan counties and metropolitan districts ".

[X5](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."

[X5](5) In section 112, the words "or urban district", "or district" and "rural" shall cease to have effect.

[X5](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
X5 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
M135 1967 c. 9.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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 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

Section 180.

AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

PART I

THE [M136]PUBLIC HEALTH ACT 1936

Marginal Citations
M136 1936 c. 49.

[X6]1 For section 1 there shall be substituted the following section—

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

"**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

(d) in the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer thereof respectively."

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.

2 Any reference to an urban authority or rural authority shall be construed as a reference to a local authority.

3 [F1235] . . . . . .

Textual Amendments

F1235 Sch. 14 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

4 Without prejudice to paragraph 2 above, the following provisions, that is to say, sections [F1236] . . . **[**[F1237]79, 80**]**, [F1238] . . ., 263 and 264 shall apply throughout the district of every local authority.

Textual Amendments

F1236 "41, 46," repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

F1237 Words repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

F1238 Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

[F1239] 5–7 . . . . . .

Textual Amendments

F1239 Sch. 14 paras. 5–7 repealed by Control of Pollution Act 1974 (c. 40), s. 109(2), **Sch. 4**

[F1240] 8 . . . . . .

Textual Amendments

F1240 Sch. 14 para. 8 repealed by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 109(2), **Sch. 4**

[X7] 9 (1) For sections 87(1) and (2) there shall be substituted the following subsections:—

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

"(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.

(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

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.

F1241 10 . . . . . .

Textual Amendments

F1241 Sch. 14 para. 10 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), **Sch. 7**

F1242 11 . . . . . .

Textual Amendments

F1242 Sch. 14 para. 11 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

F1243 12 . . . . . .

Textual Amendments

F1243 Sch. 14 para. 12 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

F1244 13, 14. . . . . .

Textual Amendments

F1244 Sch. 14 paras. 13, 14 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 78, 79, **Sch. 3**

F1245 15, 16. . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1245 Sch. 14 paras. 15, 16 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

[F1246] 17 . . . . . .

Textual Amendments

F1246 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 [M137] 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

M137 1936 c. 49.

19 [F1247] . . . . . .

Textual Amendments

F1247 Sch. 14 para. 19 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

20 Any reference in section 278 to a local authority shall include a reference to a county council [F1248] . . ..

Textual Amendments

F1248 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

21 [F1249] . . . . . .

Textual Amendments

F1249 Sch. 14 para. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

[X8] 22 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

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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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 II

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 [M138]Public Health Act 1875 as incorporates the provisions of the [M139]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;

[F1250](c) . . . . . .

(d) sections 21, 82, 83 [F1251]. . . of the [M140]Public Health Acts Amendment Act 1907; and

(e) sections 17 to 19 and 76 of the [M141]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

F1250 Sch. 14 para. 24(*c*) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **Sch. 7 Pt. I**

F1251 Words in Sch. 14 para. 24(d) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

Marginal Citations

M138 1875 c. 55.
M139 1847 c. 34.
M140 1907 c. 53.
M141 1925 c. 71.

25 (1) Subject to **[**[F1252]sub-paragraph (2)**]** 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 [M142]Public Health Act 1875;

[F1253](b) . . . . . .

(c) section 82, 83 [F1254]. . . of the [M143]Public Health Acts Amendment Act 1907; or

(d) section 76 of the [M144]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 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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) 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) [F1255] . . . . . .

(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) [F1256] . . . be a date specified therein, being not earlier than one month after the date of the resolution; [F1257] . . .

(b) [F1257] . . . . . .

(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

F1252 Words in Sch. 14 para. 25(1) substituted (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), **art. 3(1)(a)** (subject to art. 3(2))

F1253 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**

F1254 Words in Sch. 14 para. 25(2)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

F1255 Sch. 14 para. 25(4) repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), **art. 3(1)(b)** (subject to art. 3(2))

F1256 Words in Sch. 14 para. 25(6)(a) omitted (30.10.2008) by virtue of The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), **art. 3(c)(i)** (subject to art. 3(2))

F1257 Sch. 14 para. 25(6)(b) and preceding word repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), **art. 3(c)(ii)** (subject to art. 3(2))

Modifications etc. (not altering text)

C1207 Sch. 14 para. 25 applied with modifications by S.I. 1975/1636, **art. 7**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Marginal Citations
M142 1875 c. 55.
M143 1907 c. 53.
M144 1925 c. 71.

26 The following enactments shall not extend to Greater London, that is to say—

(a) sections 160 and 171 of the [M145]Public Health Act 1875;

[F1258](b) . . . . . .

(c) sections 21 and 80 of the [M146]Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the [M147]Town Police Clauses Act 1847;

(d) sections 17 to 19, 75 and 76 of the [M148]Public Health Act 1925.

Textual Amendments
F1258 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
M145 1875 c. 55.
M146 1907 c. 53.
M147 1847 c. 89.
M148 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 [M149]Public Health Act 1875;

(b) section 44 of the [M150]Public Health Acts Amendment Act 1890;

(c) Part VI of the [M151]Public Health Acts Amendment Act 1907, as amended by Part VI of the [M152]Public Health Act 1925.

Marginal Citations
M149 1875 c. 55.
M150 1890 c. 59.
M151 1907 c. 53.
M152 1925 c. 71.

28 A district council **[**[F1259]or, where they are not the highway authority, the council of a Welsh principal area**]** shall not without the consent of the highway authority—

(a) provide a clock under section 165 of the [M153]Public Health Act 1875 in a case where it overhangs a highway; or

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

(b) exercise any power under section 40 or 42 of the [M154]Public Health Acts Amendment Act 1890 or section 14 or 75 of the [M155]Public Health Act 1925 in relation to a highway.

Textual Amendments

F1259 Words in Sch. 14 para. 28 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 63** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Marginal Citations

M153 1875 c. 55.
M154 1890 c. 59.
M155 1925 c. 71.

29 A highway authority who are not a local authority within the meaning of the [M156]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

M156 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 [M157]London Government Act 1963, be construed as a reference to the Greater London Council alone.

Marginal Citations

M157 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 [M158]Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

Marginal Citations

M158 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 [F1260] . . . . . .

Textual Amendments

F1260 Sch. 14 para. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

The [M159]Parish Councils Act 1957

Marginal Citations
M159 1957 c. 42.

[X9]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
X9 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 [M160]Public Health Act 1961

Marginal Citations
M160 1961 c. 64.

35 [F1261] . . . . . .

Textual Amendments
F1261 Sch. 14 para. 35 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

36 [F1262] . . . . . .

Textual Amendments
F1262 Sch. 14 para. 36 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

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.

[F1263]38, 39. . . . . .

Textual Amendments
F1263 Sch. 14 paras. 38, 39 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 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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.

F1264 41 . . . . . .

Textual Amendments
F1264 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.

F1265 43 . . . . . .

Textual Amendments
F1265 Sch. 14 para. 43 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

M161 *The Local Government Act 1966*

Marginal Citations
M161 1966 c. 42.

44 F1266 . . . . . .

Textual Amendments
F1266 Sch. 14 para. 44 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

F1267 45 . . . . . .

Textual Amendments
F1267 Sch. 14 para. 45 repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, **Sch. 2**

F1268 46, 47. . . . . .

Textual Amendments
F1268 Sch. 14 paras. 46, 47 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

F1269 48 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1269 Sch. 14 paras. 17, 48 repealed by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 5**

[M162] *The Deposit of Poisonous Waste Act 1972*

Marginal Citations

M162 1972 c. 21.

[X10]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

X10 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.

[F1270][F1270]SCHEDULE 15

. . . . . .

Textual Amendments

F1270 Sch. 15 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 13**

SCHEDULE 16

Section 182.

FUNCTIONS UNDER, AND AMENDMENT AND MODIFICATION OF, ENACTMENTS RELATING TO TOWN AND COUNTRY PLANNING

PART I

[M165]TOWN AND COUNTRY PLANNING ACT 1971

Marginal Citations

M165 1971 c. 78.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Structure and local plans

F1272 1–3 . . . . . .

Textual Amendments

F1272 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**

F1273 4–47 . . . . . .

Textual Amendments

F1273 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**

F1274 48 . . . . . .

Textual Amendments

F1274 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

F1275 49–53 . . . . . .

Textual Amendments

F1275 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**

PART II

OTHER ENACTMENTS

F1276 54 . . . . . .

Textual Amendments

F1276 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 M166 Land Compensation Act 1961

Marginal Citations

M166 1961 c. 33.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

55 (1) **[**[F1277]In England, elsewhere**]** than in Greater London **[**[F1278], 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 [M167]Land Compensation Act 1961 shall—

(a) in the case of an application specifying only a **[**[F1279]description**]** of development which appears, or **[**[F1280]descriptions**]** 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.

[F1281](2) . . . . . .

(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 **[**[F1282]description**]** which appears to the former not to relate to a county matter **[**[F1283]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 **[**[F1282]description**]** which appears to the former to relate to a county matter **[**[F1283]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 [M168]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 **[**[F1284]identifies**]** development relating to a county matter, notify the county planning authority of the terms of the certificate.

(7) In this paragraph "county matter" has the meaning ascribed to it by **[**[F1285]paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990**]**.

Textual Amendments

F1277 Words in Sch. 16 para. 55(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 64(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F1278 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 2**, 3(5)

F1279 Word in Sch. 16 para. 55(1)(a) substituted (6.4.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 2 para. 2(2)(a)(i)** (with Sch. 2 para. 2(3)-(5))

F1280 Word in Sch. 16 para. 55(1)(a) substituted (6.4.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 2 para. 2(2)(a)(ii)** (with Sch. 2 para. 2(3)-(5))

F1281 Sch. 16 para. 55(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

F1282 Word in Sch. 16 para. 55(4)(5) substituted (6.4.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 2 para. 2(2)(b)** (with Sch. 2 para. 2(3)-(5))

F1283 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

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

F1284 Word in Sch. 16 para. 55(6) substituted (6.4.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 2 para. 2(2)(c)** (with Sch. 2 para. 2(3)-(5))

F1285 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 28(5)**

Marginal Citations

M167 1961 c. 33.

M168 1961 c. 33.

[F1286]56 . . . . . .

Textual Amendments

F1286 Sch. 16 para. 56 repealed by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 13**

[F1287]57 . . . . . .

Textual Amendments

F1287 Sch. 16 para. 57 repealed by Town and Country Amenities Act 1974 (c. 32), **Sch.**

PART III

[F1288]58, 59. . . . . .

Textual Amendments

F1288 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**

SCHEDULE 17

Section 184.

FUNCTIONS WITH RESPECT TO NATIONAL PARKS AND THE COUNTRYSIDE

[F1289]PART I

. . . . . .

Textual Amendments

F1289 Sch. 17 Pt. I repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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 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 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.

. . . . . .

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 in England and comprised in two or more new counties may confer on the board, in addition to the functions of a county planning authority under 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.

. . . . . .

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 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.

. . . . . .

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 [M170]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.

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. . . . . .

3B A board reconstituted under paragraph 3 above or constituted under paragraph 3A above shall be known as "a special planning board".

. . . . . .

4 The Secretary of State may by an order under paragraph 1, 3 or 3A above, or by an order under the said 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.

. . . . . .

5 For every National Park for which there is no joint planning board or special planning board the council or councils of the 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.

. . . . . .

6 The functions of a council or councils excepted from the requirement imposed by paragraph 5 above are—

(a) their functions under sections 30 to 35C, 46(2) and 50(1)(4)(5) and (7) of the Town and Country Planning Act 1990;

(b) . . . . . .

(c) their functions under Part III and, so far as relating to planning control under Part III, 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 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.

. . . . . .

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 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.

. . . . . .

8 The National Park Committee for a Park comprised in two or more planning areas shall be appointed by the council of such of those areas as may be agreed between

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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.

. . . . . .

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.

. . . . . .

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 (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".

. . . . . .

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.

. . . . . .

12A (1) 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 councils of non-metropolitan districts which comprise any part of that Park (in this paragraph referred to as "relevant district councils").

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(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.

. . . . . .

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 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 county or metropolitan district council by virtue of paragraph 5 for the discharge of any functions by a National Park Committee.

. . . . . .

14 In the case of a National Park Committee for a National Park wholly comprised in one planning area the members of the Committee shall (subject to paragraphs 11 and 12A above) be appointed by, and the majority of those members shall be members of, the council of the area, and in the case of a National Park Committee for a National Park comprised in two or more planning areas the members of the Committee shall (subject as aforesaid) be appointed by such of the councils of 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 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

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appointment a member of the appointing authority or one of the appointing authorities.

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 section 2 of the Town and Country Planning Act 1990 or this Part of this Schedule.

. . . . . .

16 A National Park Officer appointed by a National Park Committee shall be an officer of 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.

. . . . . .

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 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

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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 , county borough council or district council as local planning authority under the 1949 Act, the 1968 Act 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.

. . . . . .

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.

. . . . . .

21A In this Part of this Schedule "planning area" means a metropolitan district or a non-metropolitan county but, in relation to Wales, means a county or county borough.

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

SURVEY OF PUBLIC PATHS, ETC.

F1322 22, 23. . . . . .

Textual Amendments
F1322 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

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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.

F1323 28 . . . . . .

Textual Amendments

F1323 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.

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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

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

[F1324]35 . . . . . .

Textual Amendments

F1324 Sch. 17 para. 35 repealed (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 102, **Sch. 16 Pt. I**; S.I. 2001/114, **art. 2(2)(k)**; S.I. 2001/1410, **art. 2(m)**

35A [F1325] . . . . . .

Textual Amendments

F1325 Sch. 17 para. 35A repealed (28.5.2005 for W. and otherwise prosp.) by 2000 c. 37, ss. 102, 103(3), Sch. 16 Pt 1.; S.I. 2005/423, **art. 2(f)(i)**

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 **[**[F1326]in England**]** 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.

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Textual Amendments

F1326 Words in Sch. 17 para. 37 inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. I para. 14** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C1213 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

[X11]38 Section 89(2A) of the 1949 Act (treatment of derelict land) shall cease to have effect.

Editorial Information

X11 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.

[X12]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

X12 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.

[F1327]SCHEDULE 18

Section 185.

AMENDMENTS OF [M171]TOWN DEVELOPMENT ACT 1952

Textual Amendments

F1327 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

M171 1952 c. 54.

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[F1328]1 . . . . . .

Textual Amendments

F1328 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**

[X13]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".

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.

[X14]3 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

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.

[X15]4 In section 8(1), [F1329]. . . in paragraph (c) for the words "county borough" in each place where they occur, there shall be substituted the word "district".

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.

Textual Amendments

F1329 Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XIV**

[X16]5 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".

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Editorial Information

X16 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.

[X17]6 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".

Editorial Information

X17 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

Section 186.

AMENDMENTS OF ENACTMENTS RELATING TO ROAD TRAFFIC AND ABANDONED VEHICLES

PART I

[M172]THE ROAD TRAFFIC ACT 1972

Marginal Citations

M172 1972 c. 20.

[X18]1 In section 31(7), for the words "county borough or county district" there shall be substituted the word " county ".

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.

[X19]2 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

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.

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[X20]3 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

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.

[X21]4 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

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.

[X22]5 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

X22 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.

[X23]6 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

X23 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

[F1330]7–32 . . . . . .

Textual Amendments

F1330 Sch. 19 Pt. II (paras. 7–32) repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

Status: *Point in time view as at 04/04/2020.*
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PART III

[F1331]33–36 . . . . . .

Textual Amendments

F1331 Sch. 19 Pt. III (paras. 33–36) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, **Sch. 2**

[F1332]SCHEDULE 20

. . . . . .

Textual Amendments

F1332 Sch. 20 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

SCHEDULE 21

Section 188.

AMENDMENTS OF ENACTMENTS RELATING TO HIGHWAYS

PART I

[F1333]1–95 . . . . . .

Textual Amendments

F1333 Sch. 21 paras. 1–95 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

PART II

OTHER ENACTMENTS

[F1334]96 . . . . . .

Textual Amendments

F1334 Sch. 21 para. 96 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. X**

[X24]97 At the end of section 57(3) of the [M173]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 ".

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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

X24 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

M173 1949 c. 97.

[F1335]98 . . . . . .

Textual Amendments

F1335 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**.

[F1336]99, ...
100.

Textual Amendments

F1336 Sch. 21 paras. 99, 100 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), **Sch. 25**

[F1337]SCHEDULE 22

. . . . . .

Textual Amendments

F1337 Sch. 22 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

[X25]SCHEDULE 23

Section 195.

AMENDMENTS OF ENACTMENTS CONFERRING SOCIAL SERVICES FUNCTIONS

Editorial Information

X25 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.

[F1338]1 . . . . . .

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F1338 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 [M174]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) 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) . . . [F1339] 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, **[**[F1340]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) **[**[F1340]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 ".

[[F1341](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.**]**

[F1342](8) . . . . . .

[F1343](9) . . . . . .

(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 ".

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F1344(12) . . . . . .

(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 section 47(11) of this Act may be prosecuted by the councils referred to in section 47(12) of this Act."

Textual Amendments

F1339 Words repealed by Housing (Homeless Persons) Act 1977 (c. 48, SIF 61), s. 20(4), **Sch.**

F1340 Words repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

F1341 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**

F1342 Sch. 23 para. 2(8) repealed by Residential Homes Act 1980 (c. 7, SIF 81:1), s. 11(5), **Sch. 2**

F1343 Sch. 23 para. 2(9) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Gp. 1.

F1344 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

M174 1948 c. 29.

F1345 3 . . . . . .

Textual Amendments

F1345 Sch. 23 para. 3 repealed by Child Care Act 1980 (c. 5), s. 89(3), **Sch. 6**

F1346 4 . . . . . .

Textual Amendments

F1346 Sch. 23 para. 4 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(2), **Sch. 15 art.3(2)**

F1347 5 . . . . . .

Textual Amendments

F1347 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 M175 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

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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.

Marginal Citations
M175 1958 c. 33.

F1348 7 . . . . . .

Textual Amendments
F1348 Sch. 23 para. 7 repealed by Foster Children Act 1980 (c. 6), s. 23(3), **Sch. 3**

F1349 8 . . . . . .

Textual Amendments
F1349 Sch. 23 para. 8 repealed by Adoption Act 1976 (c. 36, SIF 49:11), s. 73(3), **Sch. 4**

9 **[**F1350 (1) In the M176 Mental Health Act 1959, in sections 8(1), F1351 . . . for the words "local health authorities" there shall be substituted the words " local social services authorities ".**]**

(2) In sections F1352 . . ., 131, F1352 . . . and 142 of that Act for the words "local health authority" there shall be substituted the words " local social services authority ".

F1353 (3) . . . . . .

F1354 (4) . . . . . .

Textual Amendments
F1350 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**
F1351 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**
F1352 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**
F1353 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)
F1354 Sch. 23 para. 9(4)–(6) repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**

Marginal Citations
M176 1959 c. 72.

F1355 10 . . . . . .

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Textual Amendments

F1355 Sch. 23 para. 10 repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 89(2), **Sch. 3**

11 [F1356] . . . . . .

Textual Amendments

F1356 Sch. 23 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1357] 12 . . . . . .

Textual Amendments

F1357 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**

[F1358] 13 . . . . . .

Textual Amendments

F1358 Sch. 23 para. 13 repealed by Matrimonial Causes Act 1973 (c. 18), **Sch. 3**

[F1359] 14 . . . . . .

Textual Amendments

F1359 Sch. 23 para. 14 repealed by Supplementary Benefits Act 1976 (c. 71, SIF 113:1), s. 35(3), **Sch. 8**

15 [F1360] (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

F1360 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 [M177] 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 ".

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Marginal Citations
M177 1969 c. 54.

SCHEDULE 24

Section 202.

AMENDMENTS OF [M178]TRANSPORT ACT 1968, PART II

Marginal Citations
M178 1968 c. 73.

PART I

AMENDMENTS OF GENERAL APPLICATION

1 [F1361] . . . . . .

Textual Amendments
F1361 Sch. 24 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[X26]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
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.

[F1362]3 . . . . . .

Textual Amendments
F1362 Sch. 24 para. 3 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, **Sch. 6 Pt. IV**

[X27]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

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.

[X28]5 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

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.

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[X29]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

X29 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.

[X30]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

X30 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

[F1363]9–17 . . . . . .

Textual Amendments

F1363 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

Section 204.

AMENDMENTS OF LICENSING ENACTMENTS

PART I

AMENDMENTS OF [M179]LICENSING ACT 1964

Marginal Citations

M179 1964 c. 26.

1 [F1364] . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1364 Sch. 25 para. 1 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

F1365 2 . . . . . .

Textual Amendments

F1365 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 F1366 . . . . . .

Textual Amendments

F1366 Sch. 25 para. 3 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

4 F1367 . . . . . .

Textual Amendments

F1367 Sch. 25 para. 4 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

5 F1368 . . . . . .

Textual Amendments

F1368 Sch. 25 para. 5 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

6 F1369 . . . . . .

Textual Amendments

F1369 Sch. 25 para. 6 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

F1370 7 . . . . . .

Textual Amendments

F1370 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)**)

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8 F1371 . . . . . .

Textual Amendments

F1371 Sch. 25 para. 8 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

9 F1372 . . . . . .

Textual Amendments

F1372 Sch. 25 para. 9 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7**; S.I. 2005/3056, **art. 2(2)**

PART II

F1373 10–12 . . . . . .

Textual Amendments

F1373 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

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

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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, 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 [M180]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

M180 1936 c. 49.

3 Section 6 of the [M181]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 [M182]Cremation Acts 1902 [M183] 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

M181 1936 c. 49.
M182 1902 c. 8.
M183 1952 c. 31.

Status: *Point in time view as at 04/04/2020.*
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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 [F1374]. . . or groups of parishes [F1374]. . . situated in the same district, by the council of that district;

[[F1375](aa) where those authorities are the councils of communities or groups of communities situated in the same principal area, by the council of that principal area;**]**

(b) in any other case, by the Secretary of State.

Textual Amendments

F1374 Words in Sch. 26 para. 4(a) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 65(2), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F1375 Sch. 26 para. 4(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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 **[**[F1376]or Welsh principal council**]**, the committee may represent the case to the council of the district **[**[F1377]or Welsh principal area**]** 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.

Textual Amendments

F1376 Words in Sch. 26 para. 7 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F1377 Words in Sch. 26 para. 7 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

8 The district council **[**[F1378]or Welsh principal 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 **[**[F1379]or (as the case may be) principal area**]**.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1378 Words in Sch. 26 para. 8 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F1379 Words in Sch. 26 para. 8 inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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 [F1380]. . . of the [M184]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

F1380 Words repealed by S.I. 1974/595

Marginal Citations

M184 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 [F1381]. . . 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.

[[F1382](1A) Subject to the provisions of any order made under section 214(3) above, a Welsh principal council may make byelaws with respect to the management of any cemetery provided by them and a community council may adopt for any cemetery provided by them any byelaws made under this paragraph by the principal council and duly confirmed.**]**

(2) The confirming authority in relation to byelaws made under this paragraph shall be the Secretary of State.

Textual Amendments

F1381 Words in Sch. 26 para. 11(1) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 65(5), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F1382 Sch. 26 para. 11(1A) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 65(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

[F1383]12, 13. . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1383 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 [M185]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

M185 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 [M186]Burial Act 1853 or section 2 of the [M187]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 [M188]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

M186 1853 c. 134.
M187 1855 c. 128.
M188 1852 c. 85.

[X31]16 In section 1 of the [M189] 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” 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 ”.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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

X31 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

M189 1859 c. 1. (22 Vict.).

17 In Part III of Schedule 5 to the [M190]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

M190 1875 c. 55.

[F1384]18–23 . . . . . .

Textual Amendments

F1384 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 [M191]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)

C1214 Sch. 26 para. 24 extended by S.I. 1977/293, **art. 5(2)**

Marginal Citations

M191 1902 c. 8.

25 A burial authority within the meaning of section 214 above shall also be a burial authority for the purposes of [F1385]. . . the [M192]Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.

Textual Amendments

F1385 Words repealed by S.I. 1974/628

Status: *Point in time view as at 04/04/2020.*
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Marginal Citations
M192 1970 c. 29.

SCHEDULE 27

F1386 1 . . . . . .

Textual Amendments
F1386 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F1387 2–4 . . . . . .

Textual Amendments
F1387 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**

F1388 5–10 . . . . . .

Textual Amendments
F1388 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F1389 11 . . . . . .

Textual Amendments
F1389 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**

F1390 12–15 . . . . . .

Textual Amendments
F1390 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F1391 16 . . . . . .

Textual Amendments
F1391 Sch. 27 para. 16 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**

F1392 17 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1392 Sch. 27 para. 17 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

[F1393] 18 . . . . . .

Textual Amendments

F1393 Sch. 27 para. 18 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

[F1394] 19 . . . . . .

Textual Amendments

F1394 Sch. 27 para. 19 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

[F1395][F1395] SCHEDULE 28

Textual Amendments

F1395 Sch. 28 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1395] . . . . . .

[[F1396] SCHEDULE 28A

AMENDMENT OF LAWS RELATING TO FREEDOMS OF CITIES AND TOWNS

Textual Amendments

F1396 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—

"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;

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"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.

(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.

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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.

(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—

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(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.

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.**]**

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SCHEDULE 29

Section 251.

ADAPTATION, MODIFICATION AND AMENDMENT OF ENACTMENTS

PART I

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;

(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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

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.

F1397 7 . . . . . .

Textual Amendments

F1397 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.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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 II

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.

[X32](2) In section 34 of the [M193]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 ".

[X32](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 ".

[X32](4) In section 39(7) of that Act, for the word "county", wherever occurring, there shall be substituted the word " district ".

(5) [F1398]. . . . . .

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.

Textual Amendments

F1398 Sch. 29 para. 9(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Marginal Citations

M193 1908 c. 36.

[X33]10 (1) [F1399]. . . . . .

(2) In section 12(1) and in section 17 of that Act, for the word "county" there shall be substituted the word " district ".

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.

Textual Amendments

F1399 Sch. 29 para. 10(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

11 [F1400]. . . . . .

Status: *Point in time view as at 04/04/2020.*
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Textual Amendments

F1400 Sch. 29 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt 3**

Ancient monuments

12 [F1401] . . . . . .

Textual Amendments

F1401 Sch. 29 para. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Betting and gaming

13 [F1402] . . . . . .

Textual Amendments

F1402 Sch. 29 para. 13 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356, 358, **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2**

Caravan sites

[X34]14 In section 23 of the [M194]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

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

M194 1960 c. 62.

Celluloid and cinematograph film

[X35]15 In section 9 of the [M195]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 ".

Status: *Point in time view as at 04/04/2020.*
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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

M195 1922 c. 35.

Children and young persons

16 [F1403] . . . . . .

Textual Amendments

F1403 Sch. 29 para. 16 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Coast protection

[X36]17 (1) In section 20 of the [M196]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) [F1404] . . . . . .

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.

Textual Amendments

F1404 Sch. 29 para. 17(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Marginal Citations

M196 1949 c. 74.

Consumer protection

[F1405]18 (1) . . . . . .

[F1406](2) . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1405 Sch. 29 para. 18(1) repealed by Consumer Protection Act 1987 (c. 43, SIF 109), s. 48(3), **Sch. 5**

F1406 Sch. 29 para. 18(2) repealed by Consumer Safety Act 1978 (c. 38), s. 10(1), **Sch. 3**

Explosives

X37 19 In section 67 of the M197 Explosives Act 1875 for paragraph (3) there,7. 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

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

M197 1875 c. 17.

Gas

20 F1407 (1) . . . . . .

(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.

[F1408 (3) Sub-paragraph (2) above does not apply in relation to Wales.**]**

Textual Amendments

F1407 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**

F1408 Sch. 29 para. 20(3) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 66** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C1215 "Sch. 3 to that Act" means Sch. 3 to the Gas Act 1965 (c. 36)

F1409 21 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1409 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 [M198]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 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)

C1216 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

M198 1916 c. 13.

23 (1) In section 2 of the [M199]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".

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Modifications etc. (not altering text)

C1217 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

M199 1939 c. 44.

[F1410]24, 25. . . . . .

Textual Amendments

F1410 Sch. 27 paras. 24, 25 repealed by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 117(3), **Sch. 8**

Land registration

26 [F1411] . . . . . .

Textual Amendments

F1411 Sch. 29 para. 26 repealed (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 135, 136(2), **Sch. 13** (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, **art. 2** (and expressed to be repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1})

Licensing of Places of entertainment

[F1412]27 . . . . . .

Textual Amendments

F1412 Sch. 29 para. 27 repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, **Sch. 7 Pt. I**

[X38]28 At the end of section 25 of the [M200]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

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.

Status: *Point in time view as at 04/04/2020.*
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Marginal Citations
M200 1969 c. 10.

[F1413]29 . . . . . .

Textual Amendments
F1413 Sch. 27 para. 29 repealed by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, **Sch. 13**

Nurses agencies

[[F1414X39]30 In section 2 of the [M201]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 ".]

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.

Textual Amendments
F1414 Sch. 29 para. 30 repealed (1.1.2003 (E.) and otherwise*prosp.*) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/4150, **art. 3(4)** as amended by S.I. 2002/1790, **art. 3** and S.I. 2002/2001, **art. 4** (subject to transitional provisions in S.I. 2001/4150**art. 4** as amended by S.I. 2002/1493, **art. 6**)

Marginal Citations
M201 1957 c. 16.

Offices, shops and railway premises

[X40]31 In section 88 of the [M202]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
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
M202 1963 c. 41.

Status: *Point in time view as at 04/04/2020.*
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Petroleum spirit

[X41]32 In section 2(1)(c) of the [M203]Petroleum (Consolidation) Act 1928 for the words "the district council" there shall be substituted the words " the county council ".

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.

Marginal Citations

M203 1928 c. 32.

Pharmacy and poisons

[F1415]33 . . . . . .

Textual Amendments

F1415 Sch. 29 para. 33 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Gp. 1.

Plant health

[X42]34 In section 5 of the [M204]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

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

M204 1967 c. 8.

Police

35 [F1416] . . . . . .

Textual Amendments

F1416 Sch. 29 para. 35 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Status: *Point in time view as at 04/04/2020.*
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Post and telegraph offices

[F1417]36 . . . . . .

Textual Amendments

F1417 Sch. 29 para. 36 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2(2), **Sch.** Table (with art. 34)

[F1418]37 . . . . . .

Textual Amendments

F1418 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

[F1419]38 . . . . . .

Textual Amendments

F1419 Sch. 29 para. 38 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1** Pt. x Gp. 1.

[F1420]39 . . . . . .

Textual Amendments

F1420 Sch. 27 para. 39 repealed by Pastoral Measure 1983 (No. 1, SIF 21:4), s. 39, **Sch. 9**

Registration services

[X43]40 In section 57(4) of the [M205]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

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.

Marginal Citations

M205 1949 c. 76.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

[X44]41 (1) In sections 5(1), 10(1) and 13(1) of the [M206]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) [F1421] . . . . . .

(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

X44 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

F1421 Sch. 29 para. 41(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 17 Group 10}

Marginal Citations

M206 1953 c. 37.

Riding establishments

[X45]42 In section 6(4) of the [M207]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

X45 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

M207 1964 c. 70.

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Shops

[F1422]43 . . . . . .

Textual Amendments

F1422 Sch. 29 para. 43 repealed (1.12.1994) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3037, **arts. 2**, 3(e)(iv)

Social services

[X46]44 (1) In sections 47(12) [F1423]. . . of the [M208]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) [F1424]. . . . . .

(3) In section 46(4) of the [M209]London Government Act 1963 for the words "county borough" there shall be substituted the words " London borough ".

(4) In section 5(6) of the [M210]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

X46 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

F1423 Words repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

F1424 Sch. 29 para. 44(2) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), **reg. 30(3)**, {Sch. 4 Pt. 1)} (with reg. 28(2)(3))

Marginal Citations

M208 1948 c. 29.
M209 1963 c. 33.
M210 1970 c. 42.

War memorials

45 [F1425]. . . . . .

Textual Amendments

F1425 Sch. 29 para. 45 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

[F1426]46 . . . . . .

Status: *Point in time view as at 04/04/2020.*
Changes to legislation: *Local Government Act 1972 is up to date with all changes known to be in force on or before 09 September 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)*

Textual Amendments

F1426 Sch. 27 para. 46 repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**

X47 SCHEDULE 30

REPEALS

Editorial Information

X47 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. Sections 27 and 28.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act 1847.	Section 135.
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". Sections 6 to 8.
17 & 18 Vict. c. 87.	The Burial Act 1854.	The whole Act.
18 & 19 Vict. c. 128.	The Burial Act 1855.	Sections 3 to 7, 9, 11 to 17 and 19 to 21. Section 18 except in its application to the City.
20 & 21 Vict. c. 81.	The Burial Act 1857.	The whole Act except sections 10 and 23 to 25. 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.
23 & 24 Vict. c. 64.	The Burial Act 1860.	The whole Act.
34 & 35 Vict. c. 33.	The Burial Act 1871.	The whole Act.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 26, the words from "The fees payable to the local authority" to the end of the section. Section 67(5). Section 68.

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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". In section 108, the words from "The expression 'borough'" to "deemed to be a county".
38 & 39 Vict. c. 55.	The Public Health Act 1875.	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". Section 276. 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".
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act 1878.	In section 26 the words "or county borough" and "or borough".
42 & 43 Vict. c. 31.	The Public Health (Interments) Act 1879.	The whole Act.
45 & 46 Vict. c. 49.	The Militia Act 1882.	Sections 29, 48 and 49 and the Schedule.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Sections 170, 171 and 178 to 184.
48 & 49 Vict. c. 21.	The Burial Boards (Contested Elections) Act 1885.	The whole Act.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	Section 5(3).
50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	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)(*c*), 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".

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. Sections 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.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act 1888.	In section 54(1) the words from "and if such authority" onwards.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	Section 3(x). 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(3), 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".

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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". Sections 53 and 62.
60 & 61 Vict. c. 39.	The Yorkshire Coroners Act 1897.	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). Sections 3, 5, 6 and 10.
2 Edw. 7. c. 8.	The Cremation Act 1902.	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

Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 53 —*cont.*	The Public Health Acts (Amendment) Act 1907 —*cont.*	Board" to "under this section and". In section 76(1), the words from the beginning to "under this section".
7 Edw. 7. c. cxl.	The City of London (Union of Parishes) Act 1907.	Section 22.
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".
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	Sections 5 and 6.
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".
12 & 13 Geo. 5. c. 11.	The Juries Act 1922.	The proviso to section 1(6).
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.

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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 193(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 ".
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	In section 120, subsections (4) and (5) and in subsection (7) the words from " and includes " to the end of the subsection.
15 & 16 Geo. 5. c. 61.	The Allotments Act 1925.	Section 3(4). Section 12.
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	Section 1(4). Section 2(2). Sections 3 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.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act 1925.	Sections 9(1), 10, 48, 49, 52 and 54 and Schedule 6.
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",

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 59—*cont.*	The Coroners (Amendment) Act 1926—*cont.*	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 32 and 33.
17 & 18 Geo. 5. c. 21.	The Moneylenders Act 1927.	In section 11, the proviso to subsection (1) and subsection (2).
18 & 19 Geo. 5. c. 19.	The Agricultural Produce (Grading and Marking) Act 1928.	In section 4, in subsections (1), (2)(*bb*) 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 ".
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	Section 30(2) and (3). Section 31(5). In section 117, subsections (3) and (5) to (7). In section 134, the definition beginning " county bridge ". Schedule 1.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	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. 44.	The Land Drainage 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*).

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Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. 44—*cont.*	The Land Drainage Act 1930—*cont.*	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 (5) 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

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 (*b*); 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(*b*). In section 77(2)(*b*) the words from "or, in case of dispute" to the end.

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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 13(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".
1 & 2 Geo. 6. c. 6.	The Air-Raid Precautions Act 1937.	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.
		In section 4, in subsection (1) the words from "nor shall functions" to the end of the subsection.
		Section 5.
1 & 2 Geo. 6. c. 69.	The Young Persons (Employment) Act 1938.	Section 6(3)

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 35, 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.
		In section 6, the words from the beginning to "1936".
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	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 Loans 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".

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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. 81.	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

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 ". Section 34. In section 35(2), the words from the beginning to " this Act ", in the first place where those words occur. Section 59.
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*).
12, 13 & 14 Geo. 6. c. 5.	The Civil Defence Act 1948.	Section 2(2)(*b*).
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).
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act 1949.	In section 1(1) the words " county boroughs ".
12, 13 & 14 Geo. 6. c. 66.	The House of Commons (Redistribution of Seats) 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. 67.	The Civil Aviation Act 1949.	Section 19(7). In section 63(1), in the definition of " local authority " the words " county borough ".

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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 23(5). 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 165(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).

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.

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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.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	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)(*a*) 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

Chapter	Short Title	Extent of Repeal
12, 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 (*a*) the words from " and as respects " to " thousand " and in paragraph (*b*) the words " the residue of " and " administrative ". Section 60. Section 64(2). Sections 68 and 69. Schedule 4.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In section 39(1), the definition of " appropriate local authority ". In Schedule 2, in paragraph 2, the words " county borough or ". In Schedule 7, paragraphs 5 and 7(1).
14 & 15 Geo. 6. c. 35.	The Pet Animals Act 1951.	In section 7(3), in the definition of " local authority ", the words " county borough or " and the word " metropolitan ".
14 & 15 Geo. 6. c. 63.	The Rag Flock and Other Filling Materials Act 1951.	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. 31.	The Cremation Act 1952.	Section 3(2).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 46.	The Hypnotism Act 1952.	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.

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Chapter	Short Title	Extent of Repeal
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". In section 8(1), in paragraph (*b*) the words "of a county borough or county district". In section 10(3) the words "with the approval of the Minister". Section 12. Section 13(2)(*c*).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	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 116, in subsection (1), the words "or borough", and subsections (2) and (3). Section 117. In section 123(1), the words "not a borough". In section 126, in subsection (1) the definition of "county" and subsection (4). In Schedule 4, the entries relating to the Explosives Act 1875.
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	Section 25.
1 & 2 Eliz. 2. c. 26.	The Local Government (Miscellaneous Provisions) Act 1953.	Sections 1 to 3. Section 14. In section 15, paragraph (*a*). Section 16. In section 18(3) the words "or county borough".
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	In section 51, in subsection (2), the words "or district", in both places where they occur, and in subsection (3) the

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 (*e*). 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 129. In section 135 the definitions of "county" and "county district". In Schedule 6 both columns of the entry beginning "councils". In Part I of Schedule 9 the entries relating to sections 272, 273, 320 and 321 of the Public Health Act 1936.
4 & 5 Eliz. 2. c. 20.	The Agriculture (Improvement of Roads) Act 1955.	In section 1(1)(*e*) the words "county borough, non-county borough or urban district". In section 3(1) the words "county borough or county district".

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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(2)(*a*). Section 9. Section 10. Section 12. Section 15. Schedule 1.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 86. 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).

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(*b*), 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(*c*), 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 1(1)(*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.

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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

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—*cont.*	The Highways Act 1959—*cont.*	definitions beginning "trunk road bridge" and "trunk road". Section 65(6). Section 67(7). 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). In section 71(2) the words "and in section twenty-nine of this Act". Sections 74 and 75. Section 76(4). In section 85, subsection (4)(*b*) and in subsection (5) the words "or county borough". In section 92(5)(*a*), the words "county borough or". In section 108(7)(*a*), the words "of the local planning authority (if not the applicants), and". Section 108(10)(*a*). In section 112, the proviso to subsection (2), subsections (3) and (4). 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). In section 118, in subsection (1) the words "subject to the following subsection" and subsection (2). In section 119, in subsection (5A), the words from "are not" onwards. In section 120(4), the words "or a county road (other than a claimed county road)". In section 131, in subsection (7) the words "Subject to subsection (10) of this section" and subsection (10). In section 132, in subsection (1) the words from "in a borough" to "of this Act" and subsections (7) and (9). Section 133. Section 134(4)(*b*).

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—*cont.*	The Highways Act 1959—*cont.*	In section 146, the proviso to subsection (1). 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. Section 157(3). In section 160, the words from "and, in the case" to "comprising the district". In section 163, subsections (2) and (7). Section 165(4). Section 167(8). Section 173(2). In section 174(3), the words "at the offices of the authority". In section 179(2), the words "at the offices of the authority". Section 187. Sections 189 to 191. In section 200, the words "or the code of 1875". In section 201, the words "or the code of 1875". In section 204(1), the words from "situated" to "of this Act". In section 205, the words from "or the code of 1875" to the end of the section. In section 206, in subsection (3), 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. In section 207(1), the words "or section one hundred and ninety". In section 209(1), the words "or section one hundred and ninety". In section 210, the words from "or the code of 1875" to "relating to such works", in each place where they occur. In section 211(1), in paragraph (*a*) the words "or section one

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—*cont.*	The Highways Act 1959—*cont.*	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". In section 213, in the proviso to subsection (1), the words from "and shall not" to the end of the proviso, and subsection (4). In section 214(7), paragraph (*a*) and in paragraph (*b*) the words "or county borough". In section 223(2), paragraph (*a*) and in paragraph (*b*) the words "or county borough". In section 226(3) the words from "or, in a case" onwards. In section 227(1) the words from "In this subsection" onwards. Section 232. In section 233(1) the words "borough or urban district". Section 234. Section 239(3). Section 242. Section 245. Section 246(4). Section 247. In section 249(3) the words from "and where" onwards. In section 260 the word "county", where it first occurs. In section 285, in subsection (1)(*d*) 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". 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". Section 290. Section 292. In section 295(1), in subsection (1) the definitions of "claimed

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25—*cont.*	The Highways Act 1959—*cont.*	county road", "county bridge" and "county road", and in subsection (4) the words from the beginning to "respectively, and". In section 297 the words "such roads or". In section 312, subsections (5) and (7). In Schedule 1, in paragraph (i) 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. Schedule 6. Schedule 8. In Schedule 12, paragraph 1(*a*). Part II of Schedule 14. In Schedule 17, paragraph 1 and in paragraph 6 the words "the code of 1875". In Schedule 18, in paragraph 1, the word "145" and in paragraph 2 the word "190". Schedule 19. Schedule 21. In Schedule 24, in paragraph 24, the words "the code of 1875 or" and "or the corresponding provisions of any local Act".
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 28.
7 & 8 Eliz. 2. c. 54.	The Weeds Act 1959.	In section 5 the words "or borough" in both the places where they occur.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 9, in subsection (1), the words "as local health authority" and in subsection (3) the words "as a children authority".
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	In section 135, in subsections (2) and (7) the words "county borough", in each place where they occur. In section 143(2), the words "county borough". In section 161(1), the words "county borough".
8 & 9 Eliz. 2. c. 34.	The Radioactive Substances Act 1960.	In section 19(1), in the definition of "local authority", the words "county borough, metropolitan".

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 (4), 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 (*a*), onwards. Section 44(4).
8 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act 1960.	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.
8 & 9 Eliz. 2. c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In the Schedule, paragraph 1(*e*).
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".
9 & 10 Eliz. 2. c. 29.	The Rural Water Supplies and Sewerage Act 1961.	Section 1(2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	In section 47(1), the words "county borough". In section 176(1), in the definition of "district council", the words "borough or county".

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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. Section 3(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)".
9 & 10 Eliz. 2. c. 63.	The Highways (Miscellaneous Provisions) Act 1961.	Section 14(2)(*b*)(iii).
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).
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.
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".

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 1(2)(*a*), the words "county borough".
1963 c. 29.	The Local Authorities (Land) Act 1963.	Section 1. Section 13.
1963 c. 31.	The Weights and Measures Act 1963.	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).

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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 (iii). 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".

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". Schedule 1.
1964 c. 21.	The Television Act 1964.	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)(*a*). In section 58(1)(*a*), 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

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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",

Chapter	Short Title	Extent of Repeal
1964 c. 48—*cont.*	The Police Act 1964—*cont.*	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 31(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 3, 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 5(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(5), 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".

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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.
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".
1965 c. 63.	The Public Works Loans Act 1965.	Section 2(2). In the Schedule, paragraphs 8 and 9.
1965 c. 64.	The Commons Registration Act 1965.	In section 2(1)(*a*) the words "or county borough" in both places where they occur. In section 22(1), in the definition of "local authority",

Chapter	Short Title	Extent of Repeal
1965 c. 64—*cont.*	The Commons Registration Act 1965—*cont.*	the words "county borough" and "or the council of a borough included in a rural district".
1965 c. 75.	The Rent Act 1965.	Section 35(8).
1965 c. xx.	The Greater London Council (General Powers) Act 1965.	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). Section 28(6).
1967 c. 5.	The London Government Act 1967.	The whole Act.
1967 c. 9.	The General Rate Act 1967.	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".

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Chapter	Short Title	Extent of Repeal
1967 c. 9.—*cont.*	The General Rate Act 1967—*cont.*	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

Chapter	Short Title	Extent of Repeal
1967 c. 76—*cont.*	The Road Traffic Regulation Act 1967—*cont.*	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 (3), 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 5(2)(*a*) the words "or county borough". In section 39(1) the words "county boroughs". In section 57(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(9) 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".
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,

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Chapter	Short Title	Extent of Repeal
1968 c. 41—*cont.*	The Countryside Act 1968—*cont.*	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 ". Schedule 4.
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). In section 12(1) the words " a county borough ".
1968 c. 61.	The Civil Aviation Act 1968.	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 35(1)(*b*)(iii), the words " county borough ". In section 56(6)(*a*), the words " county borough ". In section 63(6)(*a*), the words " county borough ". In section 115(3)(*a*), the words " county borough ". Section 116(5). In section 123(2), the words " county borough ".

Chapter	Short Title	Extent of Repeal
1968 c. 73—*cont.*	The Transport Act 1968—*cont.*	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, sub-paragraph (*b*) and the words " with the approval of the Minister ". In Schedule 14, in Part IV, paragraph 4.
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	In section 11, in subsection (3) the words " subject to subsection (4) " and in paragraph (*a*) the words " county borough ", and subsection (4).
1969 c. 15.	The Representation of the People Act 1969.	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)(*a*) 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(3). 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—*cont.*	The Representation of the People Act 1969—*cont.*	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 26(2); and in paragraph 30 the words "and rule 43(5) of the local elections rules in Schedule 2".
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".
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".

Chapter	Short Title	Extent of Repeal
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. lxix.	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 57, 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 256, 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. lxvii.	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 9(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)(*a*) 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).
1972 c. 47.	The Housing Finance Act 1972.	Paragraph 21 of Schedule 1.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	Section 5(4).

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