Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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]

Annotations:

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)
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(e) (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
PART I

LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

Annotations:

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 M1Local 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.

(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.

Annotations:

Marginal Citations
M1 1958 c. 55.

Principal councils


(1) For every 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.

(2A) Where a council mentioned in subsection (1) or (2) above 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.

(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.
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), 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(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)

C16 S. 2(2) modified (temp.) (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 4(3)(b)

C17 S. 2(2) modified (temp.) (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 3(3)(b)

C18 S. 2(2) modified (temp.) (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 4(4)(b)

C19 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)

C20 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)

C21 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)
Members of principal councils

3 Chairman.

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

[F4 (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.

[F5 (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 F6... 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.

Annotations:

Amendments (Textual)

F4 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)
F5 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)
F6 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)

C24 S. 3 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), {art. 20(6)}
C25 S. 3 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)

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.

[F7(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.

(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.

Annotations:

Amendments (Textual)
F7 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(c)

Modifications etc. (not altering text)
C26 S. 5 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)
C27 S. 5 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)

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 Representation of the People Act 1983.

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

(a) every [non-metropolitan] county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act and subject to section 56(8) of the Local Democracy, Economic Development and Construction Act 2009) one councillor;

[F11(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;]

[F18]}
(c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided \[^F14\] as mentioned in subsection (3) below; and there shall be a separate election for each electoral division or ward.

\[^F15\](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) \[^F16\] 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.]

### Annotations:

#### Amendments (Textual)

- **F8** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12
- **F9** Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 16 para. 2
- **F10** Words in s. 6(2)(a) inserted (28.9.2000) by 2000 c. 22, ss. 89(4), 108(2)(a)
- **F11** 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)
- **F12** 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)
- **F13** S. 6(2)(b) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 58(2), 245
- **F14** Words in s. 6(2)(c) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), Sch. 3 para. 5(a)
- **F15** S. 6(3) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 58(3), 245
- **F16** 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)

- **C28** 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)
- **C29** 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(c)

### 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 \[^F17\]1977 and every fourth year thereafter.\]
(3) Subject to paragraph 4 of Schedule 3 to this Act, the term of office of metropolitan district councillors shall be four years and one-third of the whole number of councillors in each ward of a metropolitan district, being those who have been councillors for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.

(4) Subject to paragraph 4 of Schedule 3 to this Act, 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; and the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

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

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

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

(2) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) Subject to any order under section 10 or 11 below Part II of the Local Government Act 1992 or 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.

(5) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(6) An order shall not be made under 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 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.
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 [London borough council] for the dissolution of the parish council, and thereupon the district council [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.

Orders for grouping parishes, dissolving groups and separating parishes from groups.

(1) The parish meeting of a parish may apply to the district council [London borough council] for an order grouping the parish with some neighbouring parish or parishes in...
the same district [F35 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 [F34 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—

(a) for the name of the group;
(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 [F37 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 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.

[F38 (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 [F39 or 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 [F39 or 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 [F40 . . . subsection (4) above or [F42 Part II of the Local Government Act 1992][F42 or [F43 section 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 [F44 subsection (4) above or [F43 section 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.
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.

(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”; and

(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 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.

Annotations:

Amendments (Textual)

F45 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)

F46 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.

Annotations:

Amendments (Textual)
F45 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 [F47] or by a London borough council] under section [F48 . . 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils [F49] 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, [F50] 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 [F51] order under section 10 or 11 above shall be sent to the Secretary of State.

Annotations:

Amendments (Textual)
F47 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)
F48 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))
F49 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)
F50 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
F51 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)
F52 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)
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—

(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 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.

Annotations:

Amendments (Textual)

F53 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)

F54 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”;
(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 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 group lies.]

Annotations:

Amendments (Textual)

F53 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. 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.

F56(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.

Annotations:

Amendments (Textual)
F56 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)

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.

F57 (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.

Annotations:

Amendments (Textual)
F57 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 [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.

(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 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.

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.]
16 Parish councillors.

(1) The number of elected parish councillors for each parish 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 Representation of the People Act 1983 and relevant electoral arrangements.

(2A) In their application to the election of parish councillors, this Act and Part 1 of the Representation of the People Act 1983 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.

(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”.

Annotations:

Amendments (Textual)

F58 Word in s. 15(1) inserted (1.4.2008 for certain purposes 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}

F59 Words in s. 15(6) substituted (1.4.2008 for certain purposes 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}

F60 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)
(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.]

Annotations:

Amendments (Textual)

F61 Word in s. 16(1) inserted (1.4.2008 for certain purposes 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}

F62 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)

F63 Words in s. 16(1) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), Sch. 3 para. 9

F64 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12

F65 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)

F66 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)

F67 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)

C47 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)

C48 S. 16(3) excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 26(1)

C49 S. 16(3) excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 15(1)

C50 S. 16(3) excluded (26.2.2008) by The Northumberland (Structural Change) Order 2008 (S.I. 2008/494), art. 14(1)

C51 S. 16(3) excluded (26.2.2008) by The County Durham (Structural Change) Order 2008 (S.I. 2008/493), art. 14(1)

C52 S. 16(3) excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), art. 13


C54 S. 16(3) excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), arts. 1, 13

[F88 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);
(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.

Miscellaneous

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

Annotations:

Amendments (Textual)

F70 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

Annotations:

Extent Information

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

New local government areas

F71 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 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.

Annotations:

Amendments (Textual)

F71 S. 20 substituted (5.7.1994) by 1997 c. 29, ss. 1(1), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Principal councils

[≡ 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.

F73(1A) Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive ..., the council shall consist of an elected mayor, a chairman and councillors.

F75(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—

   (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”.

Members of principal councils

22 Chairman.

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

[^F76(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.
(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.

(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 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.

(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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### Annotations:

**Amendments (Textual)**

- **F76** S. 22(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 5(1)(2)
- **F77** 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
- **F78** S. 22(4A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 5(1)(3)
- **F79** 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

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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.

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### Annotations:

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

- **C55** S. 23 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

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24 **Vice-chairman.**

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

(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.

(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.

Annotations:

Amendments (Textual)
F80  S. 24(6)(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 6(1)(2)

Modifications etc. (not altering text)
C56  S. 24 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

25  Term of office and retirement of councillors.

(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 Representation of the People Act 1983.

(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.

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

Annotations:

Amendments (Textual)
F81  Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12
F82  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.

[F83] 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”.

(3) This section does not apply where a county borough council are operating executive arrangements which involve a mayor and cabinet executive F85 . . . .

Annotations:

Amendments (Textual)
F83  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
F84  S. 25A(3) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 7(1)(2)
Elections of councillors.

(1) The ordinary elections of councillors of the new principal councils shall take place in 2004 and in every fourth year after 2004.

(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.

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.
**[F89]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.

**Annotations:**

Amendments (Textual)
F89 S. 27A inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 101, 178(2) (with s. 115)

**[F89]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,
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.]

Annotations:

Amendments (Textual)
F90  S. 27B inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 102, 178(2)
(with s. 115)

[^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.]

Annotations:

Amendments (Textual)
F91  S. 27C inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 103, 178(2)
(with s. 115)

[^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
   (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.

Annotations:

Amendments (Textual)
F92  S. 27D inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 104, 178(2) (with s. 115)

[F9327E  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.]
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 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.

Annotations:

Amendments (Textual)
F93  S. 27E inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 105, 178(2) (with s. 115)

F94  S. 27F inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 106, 178(2) (with s. 115)

F95  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)
(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.

(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.]
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.

(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 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.

Annotations:

Amendments (Textual)

F97 S. 27H inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 108, 178(2) (with s. 115)
F98 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)

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),
(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.

Annotations:

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[F100] 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.

Annotations:

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[F101] 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.

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

[Annotations:

Amendments (Textual)
F101  S. 27K inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 111, 178(2) (with s. 115)

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.

[Annotations:

Amendments (Textual)
F102  S. 27L inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 112, 178(2) (with s. 115)
Power 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.

(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.

Annotations:

Amendments (Textual)
F103 S. 27M inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 113, 178(2)

F104 Establishment or dissolution of community councils.

..................

Annotations:

Amendments (Textual)
F104 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)

F104 Community councils for groups of communities.

..................

Annotations:

Amendments (Textual)
F104 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)
F104 29A Community councils for groups of communities: dissolution.

..........................................................

Annotations:

Amendments (Textual)
F104 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)

F104 29B Community councils: applications under section 28, 29 or 29A.

..........................................................

Annotations:

Amendments (Textual)
F104 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)

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—
   F105 (a) ....................................................
   (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of [F106 the Welsh Commission] on a review under that Part of this Act of [F107 any area] of which the community forms part or, as the case may be, of the community; or
   (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.

F108 (2) ....................................................

(3) The Secretary of State may, on an application made by the [F106 the Welsh Commission] at any time when conducting a review under Part IV of this Act or on an application by a [F109 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 [F108 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 [F110 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 [F112 referred to in section 27B, 27D, 27F, 27H, 27J or 27L] above.
Annotations:

Amendments (Textual)

F105 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

F106 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

F107 Words in s. 30(1)(b) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 4(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F108 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

F109 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

F110 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

F111 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

F112 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)

C57 S. 30(3)(4): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwiseprosp.) by 2000 c. 41, ss. 20(3)(a), 163(2)(3)(d) (with s. 156(6))

31 Provision supplementary to sections [F11327A to 27L].

(1) An order made by a [F114principal] council under section [F11527B, 27D, 27F, 27H, 27J or 27L] above may contain such incidental, consequential, transitional or supplementary provision as may appear to the [F114principal] council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.

(2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.

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

Annotations:

Amendments (Textual)

F113 Words in s. 31 heading substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 114(1)(b)(ii), 178(2) (with s. 115)

F114 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

F115 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)

Modifications etc. (not altering text)

C58 S. 31 applied (5.7.1994) by 1994 c. 19, ss. 48(3), 66(2)(a) (with ss. 54(5)(7), 55(5))
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.

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.

Annotations:

Amendments (Textual)
F116 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

[F117]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;
   (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.

Annotations:

Amendments (Textual)
F117 S. 33A inserted (3.4.1995) by 1994 c. 19, s. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

34 Chairman and vice-chairman of community council.

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

(2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding
at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

(3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

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

(6) A community council may appoint a member of the council to be vice-chairman of the council.

(7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.

(8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.

(9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

35 Community councillors.

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

[F118 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12]

(2) There shall be ordinary elections of community councillors in 2004 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—
   (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.

Annotations:
Amendments (Textual)
F118 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 12
F119 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
F120 Word in s. 35 substituted (15.11.2001) by S.I. 2001/3540, art. 2(2)(3)
Miscellaneous

[F122] 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.]

Annotations:
Amendments (Textual)
F122 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

[F123] 39–45

Annotations:
Amendments (Textual)
F123 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

Annotations:
Modifications etc. (not altering text)
C60 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)
C61 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

Annotations:

Amendments (Textual)
F124 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

Annotations:

Amendments (Textual)
F125 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

Annotations:

Amendments (Textual)
F126 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

Annotations:

Amendments (Textual)
F127 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

Annotations:

Amendments (Textual)
F128 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
Proposals by Local Government Boundary Commission for Wales

53 Local Government Boundary Commission for Wales.

(1) There shall be a Local Government Boundary Commission for Wales (in this Act referred to as “the Welsh Commission”) who shall carry out the functions conferred on them by or under this Act.

(2) The provisions of Schedule 8 to this Act shall have effect with respect to the Welsh Commission.

54 Proposals for changes in local government areas in Wales.

(1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a principal council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

(a) the alteration of a local government area;

(b) the constitution of a new local government area by—

(i) amalgamating two or more principal areas or two or more communities;

(ii) aggregating parts of principal areas or parts of communities; or

(iii) separating part of a principal area or part of a community;

(c) the abolition of a principal area and its distribution among other principal areas;

(cc) the abolition of a community and its distribution among other areas of the like description;]

(d) the constitution of a new community by—
(i) the establishment of any area which is not a community or part of one as a community;
(ii) the aggregation of the whole or any part of any such area with one or more communities or parts of communities;
(e) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed
(f) a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government areas

[F135](1A) The Welsh Commission may, in consequence of a review conducted by them under this Part of this Act make proposals to the Secretary of State for effecting changes in the area of a preserved county which appear to the Commission to be desirable having regard, in particular, to the purposes for which the preserved counties are retained.

[F136](1B) Where the Welsh Commission make proposals for the constitution of a new principal area, those proposals shall specify whether the new area should be a county or a county borough.

(2) The Welsh Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a community except in accordance with section 57(7) below.

Annotations:

Amendments (Textual)

F131 Word in s. 54(1) substituted (24.10.1994) by 1994 c. 19, s. 66(5), Sch. 15 para. 7(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), Sch.
F132 S. 54(1)(b)(c)(cc) substituted (24.10.1994) for s. 54(1)(b)(c) by 1994 c. 19, s. 66(5), Sch. 15 para. 7(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), Sch.
F133 Words in s. 54(1)(e) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 12; S. I. 1992/2371, art. 2
F134 S. 54(1)(f) added (1.4.1995) by 1994 c. 29, s. 66(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), Sch.
F135 S. 54(1A) inserted (24.10.1994) by 1994 c. 19, s. 1(3), Sch. 2 para. 4 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))); S.I. 1994/2790, art. 2(1), Sch.
F136 S. 54(1B) inserted (24.10.1994) by 1994 c. 19, s. 66(5), Sch. 15 para. 7(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), Sch.

Modifications etc. (not altering text)

C62 S. 54: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwiseprosp.) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))

Review of local government areas in Wales.

(1) It shall be the duty of the Welsh Commission to keep under review all principal areas in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such principal area
that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.

(2) [F139] It shall be the duty of each Welsh principal council to keep the whole of their area under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their area as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the principal council to be interested, and shall from time to time report to the Commission accordingly.

[F140](2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).

(2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.

(2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.

(2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.

(3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any principal area in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that principal area or the principal council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that principal area for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

(4) In any case where the Secretary of State has made an order under section 1 of the New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one principal area, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the principal areas within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those principal areas for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(5) If in conducting a review under this section the Commission or a principal council intend to make, or recommend the making of, proposals for a change in
local government areas they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any of the following:—

(a) the constitution of a council for a community or a group of such communities;
(b) the dissolution of a community council, whether separate or common;
(c) the separation of a community from a group of communities having a common community council;
(d) the addition of a community to a group of communities having a common community council;
(e) the making of provision for electoral arrangements for any community or group of communities which is consequential on any change proposed under the foregoing paragraphs;

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

Annotations:

Amendments (Textual)
F137 Words in s. 55(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 8(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F138 Words in s. 55(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 8(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F139 Words in s. 55(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 8(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F140 Words in s. 55(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 8(2)(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F141 Words in s. 55(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 8(2)(c) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)
56 Power of Secretary of State to direct holding of reviews.

[F152(1) The Secretary of State may direct the Welsh Commission to conduct a review of—
(a) Wales as a whole,
(b) any one or more local government areas or parts of such areas in Wales, or
(c) any one or more preserved counties or parts of such counties,
for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make; and the Commission shall, if they think fit, formulate such proposals accordingly.]

(2) The Secretary of State may, at the request of the Welsh Commission or otherwise, direct [F153 a principal council] in Wales to conduct a review of the whole or any part of [F154 their area] for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in [F154 their area] as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.

(3) The Welsh Commission shall consider any report made under subsection (2) above with reference to [F155 any principal area] in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in [F156 that principal area] or [F157 the principal council] have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of [F156 that principal area] for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

(4) If a [F158 principal] council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the [F158 principal] council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

[F159(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.

(4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.

Marginal Citations
M2 1965 c. 59.
(4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.

(5) If in conducting a review under this section the Commission or a [F160 principal] council intend to make, or recommend the making of, proposals for a change in [F161 any] areas, they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any such matters as are mentioned in section 55(5) above, and subsections (1) to (3) of that section shall apply in relation to such proposals and recommendations as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

Annotations:

Amendments (Textual)

F152  S. 56(1) substituted (24.10.1994) by 1994 c. 19, s. 1(3), Sch. 2 para. 5 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1994/2790, art. 2(1), Sch.

F153  Words in s. 56(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(1)(a) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F154  Words in s. 56(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(1)(b) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F155  Words in s. 56(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(2)(a) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F156  Words in s. 56(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(2)(b) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F157  Words in s. 56(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(2)(c) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F158  Words in s. 56(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F159  S. 56(4A)-(4C) inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 125, 178(2)

F160  Words in s. 56(5) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(4)(a) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2

F161  Words in s. 56(5) substituted (24.10.1994) by 1994 c. 19, s. 66(5), Sch. 15 para. 9(4)(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1994/2790, art. 2(1), Sch.

Modifications etc. (not altering text)

C64  S. 56: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))

57  Substantive changes in electoral arrangements.

(1) No review shall be conducted under section 55 or 56 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.

(2) It shall be the duty of the Welsh Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for [F162 principal areas] under [F163 section 64 of this Act (as substituted by the Local Government (Wales) Act 1994)] and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area
in question, to review the electoral arrangements for every principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(3) Without prejudice to subsection (2) above, the Welsh Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(4) It shall be the duty of each principal council in Wales to keep under review the electoral arrangements for the communities in their area for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make and the council shall consider any requests made with respect to those arrangements by the council for, or not less than thirty local government electors of, any community appearing to the principal council to be likely to be affected by those changes, and the principal council may, if they think fit, make an order giving effect to those changes.

(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).

(4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.

(4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.

(4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.

(5) The Welsh Commission may, on a request made by the council for, or not less than thirty local government electors of, any community, review the electoral arrangements for the community for the purpose of considering whether or not to make proposals to the principal council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the principal council accordingly.

(6) Where a principal council have received proposals from the Welsh Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.

(7) If after receiving any such proposals a principal council inform the Welsh Commission that in their opinion the order proposed should not be made (whether with or without modifications) or if, within six months of receiving any such proposals the principal council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the principal council.
Annotations:

Amendments (Textual)
F162 Words in s. 57(2) substituted (1.10.1995) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(1)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5(1), Sch. 3
F163 Words in s. 57(2) substituted (1.10.1995) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(1)(b) (with ss. 54(5)(7), 55(5)); S.I. 1995/2490, art. 5(1), Sch. 3
F164 Words in s. 57(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F165 Words in s. 57(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(2)(b) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F166 Words in s. 57(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(2)(c) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F167 S. 57(4A)-(4D) inserted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 123, 178(2)
F168 Words in s. 57(5)-(7) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 10(3) (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)
C65 S. 57: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwiseprosp.) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))

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

(1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).

(2) The functions are—

(a) the principal council's function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);

(b) the principal council's function of considering requests specified in section 55(2) or section 57(4).]

Annotations:

Amendments (Textual)
F169 S. 57A inserted (W.) (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 124, 178(2)

58 Commission’s reports and their implementation.

(1) Where the Welsh Commission have—

(a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a [principal] council; or

(b) in accordance with section 57 above or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011] been
conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State; and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

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

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

(3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.

[F172](3A) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that no county or county borough is divided between two or more police areas.]

[F173](4) Any statutory instrument containing an order under this section which—

(a) alters the area of a principal council,
(b) alters the area of a preserved county, or
(c) abolishes a principal area,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

 Annotations:

\[\text{Annotations:}\]

Amendments (Textual)

F170 Word in s. 58(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 11(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F171 Words in s. 58(1)(b) inserted (31.8.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 168(2), 178(3); S.I. 2011/2011, art. 2(s)

F172 S. 58(3A) inserted (1.4.1995) by 1994 c. 29, s. 40(3); S.I. 1994/3262, art. 4(1), Sch.

F173 S. 58(4) substituted (24.10.1994) by 1994 c. 19, s. 66(5), Sch. 15 para. 11(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), Sch.

Modifications etc. (not altering text)

C66 S. 58: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise prop.) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))

C67 S. 58(1) excluded by S.I. 1986/553, art. 3(1)

59 Directions about reviews.

(1) The Secretary of State may give the Welsh Commission or \[\text{F174} a principal council\] in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above \[\text{F175}\] or in accordance with a direction under section 167 of the Local
Government (Wales) Measure 2011] and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.

(2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of the principal areas in Wales except after consultation with associations appearing to the Secretary of State to be representative of local authorities.

(3) The Secretary of State may give directions to the Welsh Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 55 or 56 above.

Annotations:

<table>
<thead>
<tr>
<th>Amendments (Textual)</th>
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</thead>
<tbody>
<tr>
<td>F174 Words in s. 59(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 12(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1996/396, art. 4, Sch. 2</td>
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<td>F175 Words in s. 59(1) inserted (31.8.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 168(3), 178(3); S.I. 2011/2011, art. 2(s)</td>
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<td>F176 Words in s. 59(2) repealed (24.10.1994) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 12(b), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2); S.I. 1994/2790, art. 2(1), Sch.</td>
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<th>Modifications etc. (not altering text)</th>
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<tr>
<td>C68 S. 59: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwiseprosp.) by 2000 c. 41, ss. 20(3)(b), 163(2)(3)(d) (with s. 156(6))</td>
</tr>
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Conduct of reviews

60 Procedure for reviews.

(1) [F177] The Welsh Commission or all[F178] council proposing to conduct a review under the foregoing provisions of this Part of this Act [F175] or in accordance with a direction under section 167 of the Local Government (Wales) Measure 2011 shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.

(2) In conducting any such review [F180] the Welsh Commission] or [F178] Welsh principal] council shall—

(a) consult—

(i) the council of any local government area [F181] and the police authority for any police area] affected by the review, and such other local authorities and public bodies as appear to them to be concerned;

(ii) any bodies representative of staff employed by local authorities who have asked the Commission or the council, as the case may be, to be consulted; and

(iii) such other persons as they think fit;

(b) take such steps as they think fit for securing that persons who may be interested in the review are informed of any draft proposals or
recommendations, any draft of an order under section \( Fr182 \) . . . 57(4) above or any interim decision not to make proposals or recommendations or any such order and of the place or places where those proposals or recommendations or that order or decision can be inspected;

(c) in particular, deposit copies of those proposals or recommendations or that order or decision at the offices of any principal council \( Fr183 \) or police authority whose area may be affected thereby and require any such \( Fr184 \) principal council to keep the copies available for inspection at their offices for a period specified in the requirement; and

(d) take into consideration any representations made to them within that period.

(3) In considering any recommendations made by a \( Fr178 \) Welsh principal council in consequence of a review conducted by them under this Part of this Act \( Fr180 \) the Welsh Commission may consult the council of any local government area affected by the review, such other local authorities and public bodies as appear to them to be concerned and such other persons as they think fit.

(4) Where \( Fr180 \) the Welsh Commission propose to modify any proposals recommended by a \( Fr178 \) Welsh principal council as aforesaid or not to submit any such proposals, the Commission shall—

(a) take such steps as they think fit for securing that persons who may be interested in any modification or decision are informed of it and of the place or places where it can be inspected;

(b) deposit copies of any draft modification or the decision at the offices of \( Fr185 \) the principal council and of any other principal council in Wales whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and

(c) take into consideration any representations which may be made to them with respect to any such modification or decision within that period.

(5) Where \( Fr180 \) the Welsh Commission . . . make a report, proposals or recommendations under this Part of this Act they shall—

(a) take such steps as they think fit for securing that persons who may be interested in the report, proposals or recommendations are informed of the report, proposals or recommendations and of the place or places where they can be inspected;

(b) in particular, deposit copies of the report, proposals or recommendations at the offices of any principal council \( Fr186 \) or police authority whose area may be affected thereby and require any such \( Fr187 \) principal council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to the proposals or recommendations or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.

\( Fr188 \) Where a Welsh principal council make a report, proposals or recommendations under this Part of this Act they shall—

(a) make copies of the report, proposals or recommendations available for inspection at their offices for the period mentioned in subsection (5)(b) above;

(b) take the steps mentioned in subsection (5)(a); and
Subject to subsections (1) to (5)(b) above, the Secretary of State may make regulations prescribing the procedure by which the Welsh Commission are to conduct a review under this Part of this Act or by which the Welsh Commission are to consider recommendations of a district council thereunder.

(7) Subject to those subsections and to any regulations made under subsection (6) above, the procedure of the Welsh Commission or a principal council in conducting any such review and the procedure of the Commission in considering any such recommendations shall be such as they may determine.

(c) comply with the requirements of subsection (5)(b) above in relation to any other principal council in Wales whose area may be affected by the report, proposals or recommendations.]
61 Local inquiries.

(1) The Welsh Commission or a Welsh principal council may cause a local inquiry to be held with respect to any review carried out by them under this Part of this Act.

(2) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commission or Welsh principal council causing the inquiry to be held.

Annotations:

Amendments (Textual)
F191 Words in s. 61(1) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 14; S.I. 1992/2371, art. 2
F192 Words in s. 61(1)(2) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

Border between England and Wales

F193 62 ........................................

Annotations:

Amendments (Textual)
F193 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

Initial reviews

F194 63 ........................................

Annotations:

Amendments (Textual)
F194 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.

F195 ..........................
Delegation of functions of Commission.

(1) The Welsh Commission may appoint one or more members of the Commission—
(a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
(b) to report to the Commission accordingly.

(2) At the request of the Welsh Commission the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.

(3) The appointment of an assistant commissioner under subsection (2) above—
(a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
(b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

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—
(a) the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
(b) the functions or areas of jurisdiction of any public body, justice of the peace other than a District Judge (Magistrates’ Courts), coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers.
(including police officers) \[F^{199}\], 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 \[F^{200}\], election and membership of public bodies in any area affected by the order;
\[F^{201}\](c) the total number of councillors, the apportionment of councillors among electoral areas, the assignment of existing councillors to new or altered electoral areas and the first election of councillors for any new or altered electoral area;
(d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral areas in the local government area in question in a case where substantial changes have been made to some of those areas;
(e) without prejudice to paragraph (c) above, the order of retirement of councillors for any such electoral area;
\[F^{202}\](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.

\[F^{203}\](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.\[F^{204}\]
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 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;
(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.

(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 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.

Annotations:

Amendments (Textual)

F205 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)

F206 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

M3 1888 c. 41.

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 [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.
(3) The Secretary of State or [F207Welsh 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 [F208Welsh 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 [F209... 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 M4Local Government Act 1929;
(b) Part VI of the 1933 Act;
(c) Part II of the M5Local 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 [F210any predecessor of a Welsh principal council] may be varied or revoked in relation to any [F211Welsh principal area] to which or part of which that provision relates by an order made by the council of [F212that 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.

Annotations:

Amendments (Textual)

F207 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

F208 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

F209 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

F210 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

F211 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

F212 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
### Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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

C70  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**

M4  1929 c. 17.
M5  1958 c. 55.

**Miscellaneous**

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

[F213(1)] [F214][F215][No] local authority [F216, joint authority [F217, economic prosperity board, combined authority] or joint waste authority][F218 . . .] shall have power to promote a bill for forming or abolishing any local government area F219 . . . or for altering, or altering the status or electoral arrangements of, any local government area F219 . . .

[F220(2)] Subsection (1) above shall have effect as if the reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.

[F221(3)] No local authority [F222, joint authority [F217, economic prosperity board, combined authority] or joint waste authority] shall have power to promote a Bill for forming, altering or abolishing executive arrangements F223 ..., or for altering arrangements for electing an elected mayor.

**Annotations:**

**Amendments (Textual)**

F213  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)

F214  Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 1

F215  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

F216  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)}

F217  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

F218  Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F219  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

F220  S. 70(2) added (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)

F221  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

F222  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)}

F223  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))
71 Modification of seaward boundaries of local government areas.

(1) [F224]The Welsh Commission may at any time review so much of the boundary of any [F225]area as lies below the high-water mark of medium tides and does not form a common boundary with another [F225]area and may make proposals to the Secretary of State for making alterations to any part of the boundary so as to include in the [F225]area any area of the sea which at the date of the proposals is not, in whole or in part, comprised in any other [F225]area or to exclude from the [F225]area any area of the sea which at that date is comprised in the [F225]area.

(2) The Secretary of State may direct [F224]the Welsh Commission to conduct a review under this section of a particular boundary or not to undertake during a specified period such a review of a particular boundary, and may give [F224]the Welsh Commission directions for their guidance in conducting a review and making proposals under this section.

(3) Subsections (1), (2), (5), (6) and (7) of section 60 above shall apply in relation to a review under this section as they apply in relation to a review under the provisions of this Part of this Act which precede that section.

(4) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section, either as submitted to him or with modifications.

(5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[F226](6) In subsection (1) above, “area” (except in “area of the sea”) means any local government area in Wales and any preserved county.

(7) No order may be made under this section extending any area into England.[]
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

(b) in Wales, the community or communities which the accretion or part of the sea-shore adjoins,

in proportion to the extent of the common boundary.

(2) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a parish under this section shall be annexed to and incorporated with the district and county in which that parish is situated.

(2A) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a community under this section shall be annexed to and incorporated with the principal area and the preserved county in which that community is situated.

(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.

Annotations:

Amendments (Textual)

F227 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, ar. 2(1), Sch.

F228 S. 72(2A) inserted (24.10.1994) by 1994 c. 19, s. 66(5), Sch. 15 para. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, ar. 2(1), Sch.

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

(1) Where, in the exercise of any power conferred by the Water Resources Act 1991, the Land Drainage Act 1991 or any other enactment, a watercourse forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Secretary of State.

(2) If after consultation with the Local Government Boundary Commission for England or the Welsh Commission, as the case may require, the Secretary of State is satisfied that, having regard to the alteration specified in the notice, a new boundary line may conveniently be adopted, he may by order declare that such line as may be specified in the order (whether or not consisting wholly or in part of the line of the water-course as altered) shall be substituted for so much of the boundary line as, before the alteration, lay along the line of the water-course; and where such an order
is made the limits of the areas of which the water-course, before the alteration, was the boundary shall be deemed to be varied accordingly.

(3) The Secretary of State shall, in such manner as he thinks appropriate, publish notice of any order made by him under this section.

\[\text{4} \] For the purposes of this section a preserved county is an area of local government.

### Annotations:

#### Amendments (Textual)

- **F229** 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).
- **F230** 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
- **F231** 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)
- **F232** 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, district or London borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the county, district or borough.

(2) Where the name of a district which has been granted the status of a city, borough or royal borough or the name of a London borough is changed in pursuance of this section, the charter or other grant or incorporation order shall have effect as if the new name were substituted for the old.

\[\text{2A} \] 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 shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and shall be published in such manner as the Secretary of State may direct.

(4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, district or London borough or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

(5) \[
\text{238}\]

(6) \[
\text{239}\]

(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
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.

Annotations:

Modifications etc. (not altering text)

C77 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 [F241 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 [F242]—
   (a) shall be sent by the [F243 principal] 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 [F243 principal] council in the community and elsewhere in such manner as they consider appropriate.

(3) A change of name made in pursuance of this section [F244] 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.

[F245 (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.]

Annotations:

Amendments (Textual)
F241 Words in s. 76(1) substituted (1.4.1996) by 1994 c. 19, Sch. 15 para. 21(a) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F242 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
F243 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
F244 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
F245 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

Annotations:

Amendments (Textual)
F246 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—

“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;

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

“substantive change” has the meaning assigned to it by section 54(1) above.

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

Annotations:

Amendments (Textual)

F247  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)

F248  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

F249  S. 78(1)(c) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 Pt. II para. 2(6)) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

F250  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

F251  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

F252  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

Annotations:

Modifications etc. (not altering text)

C78  Pt. 5 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)
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 if he is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union and on the relevant day he has attained the age of 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.

(2A) In this section the expression “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and “relevant citizen of the Union” means such a citizen who is not a qualifying Commonwealth citizen or a citizen of the Republic of Ireland.

(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) 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).]
Annotations:

Amendments (Textual)

F253 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

F254 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)

F255 Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, regs. 1(2), 3(1)

F256 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)

F257 S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, regs. 1(2), 3(1)

F258 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)

F259 S. 79(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 2
deprecated by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F260 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)

C81 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)

C82 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

C83 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

Marginal Citations

M6 Treaty Series No. 47 (1988), Cm. 455.

M7 Cm. 1934.

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, if he—

(a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) which involves a leader and cabinet executive, the office of executive leader or member of the executive appointments 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 joint committee on which the authority are represented or by any person holding any such office or employment; or

[ stalled at this point due to missing text ]

F266(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

F267(b) is the subject of a bankruptcy restrictions order or interim order;]
(d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee under 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, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority is represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(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.

(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.

(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.

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

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

(6) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Annotations:

Amendments (Textual)
F261 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
F262 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)
F263 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)
F264 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. 11
F265 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)
F266 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
F267 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. 2003/2323))
F268 S. 80(1)(c) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), Sch. 6 Pt. IV
F269 S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, reg. 7(7)
F270 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.)
F271 Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 3(1)
F272 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 3(1)
F273 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)
F274 Words in s. 80(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245(5), Sch. 13 para. 3; S.I. 2008/917, art. 2(1)(p)
F275 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
F276 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)
F277 S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, regs. 1, 9
F278 S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, Sch. 8
F279 Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), Sch. 6 Pt. IV
F280 S. 80(6) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 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)
C83 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
C84 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. 1
C85 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
C86 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)
C87 S. 80(1)(a) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(b)
81  Exceptions to provisions of section 80.

(1) [F281]

(2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any 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.]

F283 (3) ............................................................

F284 (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, [F285 . . . 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

F286 (b) ............................................................

Annotations:

Amendments (Textual)

F281 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))

F282 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))

F283 S. 81(3) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

F284 S. 81(3A) repealed by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

F285 Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II

F286 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)

C83 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

C92 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.

C93 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
82  Validity of acts done by unqualified persons.

[F287] (1) The acts and proceedings of any person elected to an office under this Act [F288 or elected or appointed to an office under Part IV of the Local Government Act 1985] [F289 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.

[F289] (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.]

Annotations:

Amendments (Textual)

F287  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)

F288  Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 4

F289  Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F290  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

F291  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)

C83  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

C95  S. 82 amended by S.I. 1985/1884, arts. 10, 11(3), Sch. 3 para. 2

C96  S. 82 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 4

C97  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

C98  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

C99  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)

C100  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
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, councillor [or elected mayor] of the council of a county [or county borough], district or London borough shall not, unless he has made a declaration of acceptance of office in a form prescribed by an order made by the Secretary of State, and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration.

(2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either—

(a) two members of the council to which the declarant is elected; or

(b) the proper officer of the council; or

(c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man; or

(d) a commissioner appointed to administer oaths in the Senior Courts.

(3A) 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;

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 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.

Annotations:

Amendments (Textual)

F292 Words repealed by S.I. 1977/1710, art. 3(c)

F293 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)

F294 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

F295 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

F296 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), s. 30(2)
Resignation.

A person elected to any office under this Act 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.

A person elected or appointed to an office under Part 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.
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) 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.

(2A) 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 or of a failure to attend meetings of the executive if the failure is due to that employment.

(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, 66A, 73, 78, 78A 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) above (and, accordingly, a period during which a member fails to attend meetings of the authority, 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).
(4) In this section “local authority” includes a joint authority, an economic prosperity board, a combined authority and a joint waste authority.

Annotations:

Amendments (Textual)

F304 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)
F305 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)
F307 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)
F308 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)
F309 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)
F310 S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1) s. 84, Sch. 14 Pt. I para. 7
F311 Words in s. 85(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 4; S.I. 2008/917, art. 2(1)(p)
F312 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

C109 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
C110 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
C111 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)
C112 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
C113 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.

(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 under the Audit Commission Act 1998 or section 66A, 78A or 79 of the Local Government Act 2000 or by virtue of, a conviction or a breach of any provision of Part II of the Representation of the People Act 1983, or

c) ceases to be a member of the authority by reason of failure to attend meetings of the authority;

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

(2) In this section “local authority” includes a joint authority, an economic prosperity board, a combined authority and a joint waste authority.

Annotations:

Amendments (Textual)

F314 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
F315 Words in s. 86(1)(b) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 3(2)
F317 Words in s. 86(1)(b) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 201(4)(b), 245; S.I. 2008/172, art. 4(l)
F318 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 8 para. 12
F319 S. 86(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 8
F320 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)
F321 Words in s. 86(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 5; S.I. 2008/917, art. 2(1)(p)
F322 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

C114 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
C115 S. 86(1)(b) amended by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), s. 10(2); by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 92(7) and by Education Reform Act 1988 (c. 40, SIF 41:1),ss. 191(5), 231(7), 235(6)
C116 S. 86(2) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(d)
C117 S. 86(2) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(d)

Marginal Citations

M8 1983 c. 2.(42).

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—
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 under the Audit Commission Act 1998 or by virtue of a conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant order or decision under that Act or (as the case may be) that conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;

(e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;

(f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to (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

(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.
88  Filling of casual vacancy in case of chairman, etc.

(1) On a casual vacancy occurring in the office of chairman of any council, 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) , a meeting of the council for the election may be convened by the proper officer of the authority.

(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.

Annotations:

Amendments (Textual)

F330 Words repealed by S.I. 1977/1710, art. 3(c)
F331 Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII
F332 S. 88(2A) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 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)

C120 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
C121 S. 88(1)(2) applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
C122 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

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—
(a) in a case in which the High Court or the council have declared the office to be vacant, within [33 thirty-five days] (computed in accordance with section 243(4) below) from the date of the declaration;

(b) in any other case, within [33 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 . . .

(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.

(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.
(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 [F336 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.

Annotations:

Amendments (Textual)
F333 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)
F334 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F335 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. 1
F336 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 13

Modifications etc. (not altering text)
C123 S. 89 excluded by Local Government Act 1985 (c. 51, SIF 81:1), ss. 84(2)(b), 86(9)
C124 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. 1995/1777, art. 11(2)
S. 89 applied (with modifications)(13.3.1996) 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)
C125 S. 89 excluded (26.2.2008) by The Cornwall (Structural Change) Order 2008 (S.I. 2008/491), art. 12(2)
C126 S. 89 excluded (26.2.2008) by The Shropshire (Structural Change) Order 2008 (S.I. 2008/492), art. 12(2)
C127 S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 5(3)
C128 S. 89 excluded (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 12(2)
C129 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 5(3)
C130 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 12(2)
C131 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 23(2)
C132 S. 89 excluded (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 24(2)
C133 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)
C135 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
C136 S. 89(3) applied (with modifications) (13.3.2004) by The Local Elections (Ordinary Day of Election 2004) Order 2004 (S.I. 2004/222), art. 3(a)

90 Term of office of persons filling casual vacancies.

A person elected or appointed under the foregoing provisions of this Act in England or Wales or under Part IV of the Local Government Act 1985 to fill any casual vacancy shall hold office until the date upon which the person in whose place he is elected or appointed would regularly have retired, and he shall then retire.

Annotations:

Amendments (Textual)
F337 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 11
F338 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), Sch. 13 Pt. 1
F339 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)
C137 S. 90 amended by S.I. 1985/1884, arts. 10, 11(3), Sch. 3 para. 2
C138 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 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.

(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.

Annotations:

Amendments (Textual)
F340 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
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 \[F341\text{level 3 on the standard scale}\] for each occasion on which he so acted while disqualified.

(3) Where proceedings under this section are instituted in a magistrates’ court, then—
   (a) if the court is satisfied that the matter would be more properly dealt with in the High Court, it shall by order discontinue the proceedings;
   (b) if the High Court, on application made to it by the defendant within fourteen days after service of the summons, is satisfied that the matter would be more properly dealt with in the High Court, it may make an order, which shall not be subject to any appeal, requiring the magistrates’ court by order to discontinue the proceedings.

(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.

(7) In this section “local authority” includes a joint authority, an economic prosperity board and a combined authority; and in relation to a joint authority the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for any local government area in the area for which the authority is established.

(7A) In this section “local authority” also includes a joint waste authority.

(7B) The reference in subsection (1) above to a local government elector for the area concerned shall—

(a) in relation to a joint waste authority established for an area that includes a local government area, be construed as including a reference to a local government elector for that local government area;

(b) in relation to a joint waste authority established for an area that includes the City of London, be construed as including a reference to a person whose name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957;

(c) in relation to a joint waste authority established for an area that includes the Inner Temple or the Middle Temple, be construed as including a reference to a person whose name appears in the ward list published with respect to the ward of Farrington Without in the City under section 7 of the City of London (Various Powers) Act 1957.

(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.

Annotations:

Amendments (Textual)
F341 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
F342 S. 92(7) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 12
F343 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)
F344 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1
F345 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)
F346 S. 92(7A)(7B) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 6; S.I. 2008/917, art. 2(1)(o)(p)
Local Government Act 1972 (c. 70)
Part V – General Provisions as to Members and Proceedings of Local Authorities

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

F347 S. 92(8) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 10(3)

Modifications etc. (not altering text)
C140 S. 92 applied in part (25.7.2008) by The West Northamptonshire Joint Committee Order 2008 (S.I. 2008/1572), art. 6(2)
C141 S. 92 applied (in part) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 6(2)
C142 S. 92 applied by Water Resources Act 1991 (c. 57, SIF 130), ss. 14, 225(2), Sch. 4, Pt. I, para. 3(6).
C143 S. 92 extended by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 3(9), Sch. 1 para. 8(5)
C144 S. 92 applied by Water Act 1973 (c. 37), s. 2(8), Sch. 3 para. 9(5)
C145 S. 92 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
S. 92: certain functions transferred (subject to modifications) (10.01.1992) 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
C146 S. 92 applied (07.08.1991) 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.
C147 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)
C148 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)
C149 S. 92 applied in part (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 6(2)
C150 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)
C151 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
C152 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)
C153 S. 92(7) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(e)
C154 S. 92(7) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(e)

Restrictions on voting

Annotations:

Amendments (Textual)
F348 S. 93 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
94 Disability of members of authorities for voting on account of interest in contracts, etc.

(1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

(2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding \[ F349 \text{ level 4 on the standard scale} \] unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.

(3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(5) The following, that is to say—

(a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;

(b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below \[ F350 \text{ or paragraph 25 of Schedule 2 to the Police Act 1996} \] or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 or his right to receive, or the possibility of his receiving, any such payment;

shall not be treated as a pecuniary interest for the purposes of this section.

Annotations:

Amendments (Textual)
F349 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
F350 Words in s. 94(5)(b) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), Sch. 7 Pt. II para. 21
F351 Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), Sch. II para. 22

Modifications etc. (not altering text)
C155 S. 94 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), art. 4(1)(a)
C156 Ss. 94-96 applied (with modifications) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), s. 14, Sch. 4 Pt. II para. 14(1)
C157 S. 94 modified by Transport Act 1985 (c. 67, SIF 126), s. 74(12)
C158 S. 94 applied (with modifications) by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 8 para. 10(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, Sch. para. 20(1); S.I. 1995/3229, art. 2, Sch. para. 20(1); S.I. 1995/3230, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, Sch. para. 20(1); S.I. 1995/3133, art. 2, Sch. para. 20(1)
Ss. 94-99 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. I
Ss. 94-98 applied (1.1996) by 1995 c. 25, s. 19, Sch. 5 para. 14(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, art. 3
S. 94-98 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, Sch. para. 20(1); S.I. 1996/2916, art. 2, Sch. para. 20(1); S.I. 1996/2917, art. 2, Sch. para. 20(1); S.I. 1996/2918, art. 2, Sch. para. 20(1); S.I. 1996/2919, art. 2, Sch. para. 20(1); S.I. 1996/2920, art. 2, Sch. para. 20(1); S.I. 1996/2921, art. 2, Sch. para. 20(1); S.I. 1996/2922, art. 2, Sch. para. 20(1); S.I. 1996/2923, art. 2, Sch. para. 20(1); S.I. 1996/2924, art. 2, Sch. para. 20(1)
Ss. 94-98: power to make provisions about matters of the kind dealt with in this section conferred outside the context of the Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), art. 3(a)
Ss. 94-98 applied (temp.) (22.7.2004) by S.I. 2001/3578, art. 3(1)(a)
Ss. 94-98: 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)(i); S.I. 1997/1930, art. 2(1)(2)(m)
Ss. 94-98 applied (with modifications) (E.) (temp. from 18.5.2001) by S.I. 2001/1517, art. 7
C159 Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by S.I. 2001/3578, art. 3(1)(a)
C160 S. 94 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
S. 94: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
C161 S. 94 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1
S. 94: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1
C163 Ss. 94-98 disapplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 (S.I. 2004/1510), art. 4(1)(a))
C164 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), art. 3(a)
C165 Ss. 94-98 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

95 Pecuniary interests for purposes of section 94.

(1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—

(a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

[F35(4) In the case of civil partners living together the interest of one civil partner, shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.]

Annotations:

Amendments (Textual)
F352 S. 95(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, Sch. 27 para. 38; S.I. 2005/3175, art. (2)(subject to art. 2(3)(5))

Modifications etc. (not altering text)
C165 Ss. 94-98 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
C166 S. 95 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), art. 4(1)(a)
C167 Ss. 94-96 applied and certain functions transferred (01.12.1991) with modifications by Water Resources Act 1991 (c. 57, SIF 130), s. 14, Sch. 4, Pt. II, para. 14(1).
C168 Ss. 95, 96 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6
C169 Ss. 94-98 excluded (27.11.2001 temp. until 27.7.2002) by S.I. 2001/3576, art. 3(1)(a)
C170 S. 95 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
Ss. 95: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 10(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, Sch. para. 20(1); S.I. 1995/3229, art. 2, Sch. para. 20(1); S.I. 1995/3230, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, Sch. para. 20(1); S.I. 1995/3133, art. 2, Sch. para. 20(1)
Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. I
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, Sch. 5 para. 14(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, art. 3
Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, Sch. para. 20(1); S.I. 1996/2916, art. 2, Sch. para. 20(1); S.I. 1996/2917, art. 2, Sch. para. 20(1); S.I. 1996/2918, art. 2, Sch. para. 20(1); S.I. 1996/2919, art. 2, Sch. para. 20(1); S.I. 1996/2920, art. 2, Sch. para. 20(1); S.I. 1996/2921, art. 2, Sch. para. 20(1); S.I. 1996/2922, art. 2, Sch. para. 20(1); S.I. 1996/2923, art. 2, Sch. para. 20(1); S.I. 1996/2924, art. 2, Sch. para. 20(1)
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(i); S.I. 1997/1930, art. (2)(1)(2)(m)
S. 95 applied (8.5.2000) by 1999 c. 29, s. 154(4), Sch. 10 para. 13(9) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2
Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (temp.) by S.I. 2001/1517, art. 7
C171 S. 95 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
S. 95: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
96  General notices and recording of disclosures for purposes of section 94.

(1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse [F353or civil partner] is a member or in the employment of a specified company or other body, or that he or his spouse [F354or civil partner] is a partner or in the employment of a specified person, or that he or his spouse [F355or civil partner] is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.

(2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

Annotations:

Amendments (Textual)

F353  Words in s. 96(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, Sch. 27 para. 39; S.I. 2005/3175, art. 2(2) (subject to art. 2(3)-(5))

F354  Words in s. 96(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, Sch. 27 para. 39; S.I. 2005/3175, art. 2(2) (subject to art. 2(3)-(5))

F355  Words in s. 96(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, Sch. 27 para. 39; S.I. 2005/3175, art. 2(2) (subject to art. 2(3)-(5))

Modifications etc. (not altering text)

C165  Ss. 94-98 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

C175  S. 96 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), art. 4(1)(a)

C176  Ss. 94-98 applied (01.12.1991) with modifications by Water Resources Act 1991 (c. 57, SIF 130), s. 14, Sch. 4, Pt. II, para. 14(1).

C177  Ss. 95, 96 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6

C178  S. 96 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
S. 96: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1.

C179  S. 96 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
S. 96: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 10(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, Sch. para. 20(1); S.I. 1995/3229, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, Sch. para. 20(1); S.I. 1995/3133, art. 2, Sch. para. 20(1)
Ss. 94-99 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. I
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, Sch. 5 para. 14(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, art. 3
Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, Sch. para. 20(1); S.I. 1996/2916, art. 2, Sch. para. 20(1); S.I. 1996/2917, art. 2, Sch. para. 20(1); S.I. 1996/2918, art. 2, Sch. para. 20(1); S.I. 1996/2919, art. 2, Sch. para. 20(1); S.I. 1996/2920, art. 2, Sch. para. 20(1); S.I. 1996/2921, art. 2, Sch. para. 20(1); S.I. 1996/2922, art. 2, Sch. para. 20(1); S.I. 1996/2923, art. 2, Sch. para. 20(1); S.I. 1996/2924, art. 2, Sch. para. 20(1)
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(i); S.I. 1997/1930, art. 2(1)(2)(m)
S. 96 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 154(4), Sch. 10 para. 13(10) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2
Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (temp.) by S.I. 2001/1517, art. 7
C181 Ss. 94-98 excluded (27.11.2001 temp. until 27.7.2002) by S.I. 2001/3576, art. 3(1)(a)
Ss. 94-98 excluded (27.11.2001 temp. until 27.7.2002) by S.I. 2001/3578, art. 3(1)(a)
C183 Ss. 94-98 disapplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 (S.I. 2004/1510), art. 4(1)(a))
C184 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), art. 3(a)

97 Removal or exclusion of disability, etc.

(1) The district council, as respects a member of a parish council, the principal council, as respects a member of an council, the Council of a county, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

(2) The power of a council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
(3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.

(4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a person who is liable to pay an amount in respect of any community charge or in respect of council tax or who would be so liable but for any enactment or anything provided or done under any enactment or as a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

(7) Section 94 above shall not prohibit a director of a public transport company, or a subsidiary of such a company, who is neither—
   (a) paid for acting as such; nor
   (b) an employee of the public transport company or subsidiary,
from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy; and in this subsection “public transport company” and “subsidiary” have the same meanings as in Part IV of the Transport Act 1985.

Annotations:

**Amendments (Textual)**

F356 Words in s. 97(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 25(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F357 Words in s. 97(1) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(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

F358 Word in s. 97(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(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

F359 Word in s. 97(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(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

F360 Words inserted by S.I. 1990/10, art. 2
F361 Words in s. 97(4) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(1), Sch. 13 para. 32 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3(1)(a)

F362 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), Sch. 11 para. 23

F363 S. 97(7) inserted (1.2.2001 (E.) and 1.8.2001 (W.)) by 2000 c. 38, s. 161, Sch. 11 para. 5; S.I. 2001/57, art. 3(2), Sch. 3 Pt. I; S.I. 2001/2788, art. 2, Sch. 1 para. 11

Modifications etc. (not altering text)
C165 Ss. 94-98 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
C185 Ss. 94-98 applied with modifications by Water Resources Act 1991 (c. 57, SIF 130), s. 14, Sch. 4, Pt. II, para. 14(1).

C186 S. 97 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73), Sch. 1 para. 14B(1), as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 6

C187 Ss. 94-98 extended (27.11.2001 temp. until 27.7.2002) by S.I. 2001/3576, art. 3(1)(a)
Ss. 94-98 extended (27.11.2001 temp. until 27.7.2002) by S.I. 2001/3578, art. 3(1)(a)

C188 S. 97 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1. S. 97: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1.

C189 S. 97 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), art. 4(1)(a)

C190 S. 97 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1. S. 97: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 10(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Ss. 94-98 applied with modifications(11.12.1995) by S.I. 1995/3218, art. 2, Sch. para. 20(1); S.I. 1995/3229, art. 2, Sch. para. 20(1)
Ss. 94-98 applied with modifications(5.12.1995) by S.I. 1995/3132, art. 2, Sch. para. 20(1); S.I. 1995/3133, art. 2, Sch. para. 20(1)
Ss. 94-98 applied with modifications(5.12.1995) by S.I. 1995/3127, art. 2, Sch. para. 20(1)
Ss. 94-98 applied with modifications(8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. I
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, Sch. 5 para. 14(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, art. 3

Ss. 94-98 applied with modifications(20.11.1996) by S.I. 1996/2912, art. 2, Sch. para. 20(1); S.I. 1996/2916, art. 2, Sch. para. 20(1); S.I. 1996/2917, art. 2, Sch. para. 20(1); S.I. 1996/2918, art. 2, Sch. para. 20(1); S.I. 1996/2919, art. 2, Sch. para. 20(1); S.I. 1996/2920, art. 2, Sch. para. 20(1); S.I. 1996/2921, art. 2, Sch. para. 20(1); S.I. 1996/2922, art. 2, Sch. para. 20(1); S.I. 1996/2923, art. 2, Sch. para. 20(1); S.I. 1996/2924, art. 2, Sch. para. 20(1)
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(i); S.I. 1997/1930, art. 2(1)(2)(m)
Ss. 94-98 applied with modifications (E.) (18.5.2001) (temp.) by S.I. 2001/1517, art. 7


C192 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), art. 3(a)

C193 S. 97(1)-(3) applied (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 106(5) (with s. 118(1)(2)(4))

C194 S. 97(4)(5) applied (with modifications) (8.5.2000) by 1999 c. 29, s. 154(4), Sch. 10 para. 13(11) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2
Interpretation of sections 95 and 97.

In sections 95 and 97 "securities" means—

(a) any of the following kinds of investments, namely—

(i) shares,

(ii) instruments creating or acknowledging indebtedness,

(iii) government and public securities,

(iv) instruments giving entitlement to investments,

(v) certificates representing securities,

(vi) units in a collective investment scheme,

(vii) rights to, or interests in, any security of a kind mentioned in subparagraphs (i) to (vi); or

(b) instruments creating or acknowledging indebtedness;

(c) instruments giving entitlements to investments;

(d) certificates representing securities;

(e) units in a collective investment scheme;

(f) rights to, or interests in, any security of the kind mentioned in paragraphs (a) to (e);

(g) rights (whether actual or contingent) to money lent to, or deposited with—

(i) a society registered under the Industrial and Provident Societies Act 1965, or

(ii) a building society within the meaning of the Building Societies Act 1986,

and the definition of securities must be read with section 22 of the Financial Services and Markets Act 2000, any relevant order under that section and Schedule 2 to that Act.

In sections 94 and 97 above “local authority” includes a joint authority, an economic prosperity board, a combined authority, a joint waste authority, the London Fire and Emergency Planning Authority and in section 94(5)(a) above “principal council” includes any such authority.

(1B) Paragraph (a) of 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.]
Annotations:

Amendments (Textual)

F364 S. 98(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 281
F365 S. 98(1)(a) substituted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order (S.I. 2002/1555), art. 5(1)
F366 S. 98(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 13
F367 Words in s. 98(1A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), Sch. 6 para. 16; S.I. 2009/3318, art. 2(c)
F368 Words in s. 98(1A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 7; S.I. 2008/917, art. 2(1)(p)
F369 Words in s. 98(1A) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. 1 para. 15 (with Sch. 12 para. 9(1); S.I. 2000/1094, art. 4(a)(h)
F370 Words in s. 98(1A) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 102; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 25)
F371 S. 98(1B) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 para. 24(b), 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)
C165 Ss. 94-98 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
C196 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), art. 3(a)
C197 Ss. 94-98 applied (with modifications) by Water Resources Act 1991 (c. 57, SIF 130), s. 14, Sch. 4 Pt. II para. 14(1)
C198 Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by S.I. 2001/3576, art. 3(1)(a)
Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by S.I. 2001/3578, art. 3(1)(a)
C199 S. 98 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1
S. 98: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 10(1) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, Sch. para. 20(1); S.I. 1995/3229, art. 2, Sch. para. 20(1); S.I. 1995/3230, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, Sch. para. 20(1); S.I. 1995/3133, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, Sch. para. 20(1)
Ss. 94-98 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. 1
Ss. 94-98 applied (with modifications) (20.11.1996): S.I. 1996/2912, art. 2, Sch. para. 20(1); S.I. 1996/2916, art. 2, Sch. para. 20(1); S.I. 1996/2917, art. 2, Sch. para. 20(1); S.I. 1996/2918, art. 2, Sch. para. 20(1); S.I. 1996/2919, art. 2, Sch. para. 20(1); S.I. 1996/2920, art. 2, Sch. para. 20(1); S.I. 1996/2921, art. 2, Sch. para. 20(1); S.I. 1996/2922, art. 2, Sch. para. 20(1); S.I. 1996/2923, art. 2, Sch. para. 20(1); S.I. 1996/2924, art. 2, Sch. para. 20(1)
Ss. 94-98: power 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)(i); S.I. 1997/1930, art. 2(1)(2)(m)
Ss. 94-98 applied (with modifications) (E.) (temp. from 18.5.2001) by S.I. 2001/1517, art. 7
C200 S. 98 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
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 [F373], joint authorities, [F374]economic prosperity boards, combined authorities, [F375]... [F376]... and their committees, parish meetings and their committees and community meetings.

Annotations:

Amendments (Textual)
F373 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 14
F374 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)
F375 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)
F376 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)
C206 S. 99 amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(g)
C207 S. 99 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(g)
C208 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
C209 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. 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. 20(1); S.I. 1995/3229, art. 2, Sch. 20(1); S.I. 1995/3230, art. 2, Sch. 20(1)
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 [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 . . . 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 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.

Annotations:

Amendments (Textual)

F377 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

F378 Words added by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, Sch. 2 para. 61(1)(b)

modifications etc. (not altering text)

C212 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.

C213 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)
Local Government Act 1972 (c. 70)
Part VA – Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

C214 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

Marginal Citations
M11 1960 c. 67.

[PART VA
ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES.]

Annotations:

Amendments (Textual)
F379 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)
C215 Pt. VA 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))
C216 Pt. 5A applied in part (with modifications) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), reg. 8
C217 Pt. VA 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))
C218 Pt. 5A applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)
C219 Pt. 5A applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)
C220 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
C221 Pt. VA (ss. 100A-100K) modified by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, Sch. 2 para. 7
Pt. VA (ss. 100A-100K) modified (11.9.1998) by 1998 c. 18, ss. 10(6), 55(2)
Pt. VA (ss. 100A-100K) modified (E.) (2.4.2001) by S.I. 2001/1299, reg. 6(10)(a)
Pt. VA (ss. 100A-100K) modified (W.) (28.7.2001) by S.I. 2001/2284, reg. 5(1)(a)
Pt. VA (ss. 100A-100K) modified (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 24(7), 73; S.I. 2005/558, art. 2(1), Sch. 1
Pt. VA (ss. 100A-100K) extended (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 67(4)
Pt. VA (ss. 100A-100K) extended (with modifications) (8.5.2000 and 3.7.2000) by 1999 c. 29, ss. 58, 61, 65 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, 3
Pt. VA (ss. 100A-100K) extended (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 21(11)(a), 108(4)-(6); S.I. 2000/2849, art. 2(a)
Pt. VA (ss. 100A-100K) applied (12.4.1994) by S.I. 1994/867, reg. 11(6)
Pt. VA (ss. 100A-100K) applied (with modifications) (28.6.1995) by 1995 c. iii, s. 26, Sch. 1
Pt. VA (ss. 100A-100K) applied (with modifications) (8.5.2000 for specified purposes otherwise 3.7.2000) by 1998 c. 41, s. 115(3A) (as inserted (8.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 131(3) (with Sch. 12 para. 9(1)); S.I. 1999/3434, arts. 3, 4)
Pt. VA applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), art. 21(2)(a)
Pt. VA applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), art. 21(2)(a)
Admission to meetings of principal councils.

(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.

(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 [F381 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) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.

(7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

 Annotations:

 Extent Information

 E3 This version of this provision extends to England only; a separate version has been created for Wales only

 Amendments (Textual)

 F380 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)

Admission to meetings of principal councils.

(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.

(6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—

(a) public notice of the time and place of the meeting shall be given by posting it at the offices of the council three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;

(b) while the meeting is open to the public, the council shall not have power to exclude members of the public from the meeting; and

(c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.

(7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

Annotations:

Extent Information
E6 This version of this provision extends to Wales only; a separate version has been created for England only

Amendments (Textual)
F380 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)
C231 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)

C232 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)

C234 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)

C235 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
C237 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)
C238 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)
C239 S. 100A(4) modified (1.3.2007) by National Health Service Act 2006 (c. 41), ss. 246(2), 277(1)
C240 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))

100B Access to agenda and connected reports

(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 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;

(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 five 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
Local Government Act 1972 (c. 70)
Part VA – Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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.]
Access to agenda and connected reports.

(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 open at least three clear days before the meeting, except that—
   (a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and
   (b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda;

   but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.

(4) An item of business may not be considered at a meeting of a principal council unless either—
   (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
   (b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—
   (a) every copy of the report or of the part shall be marked “Not for publication”; and
   (b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates.

(6) Where a meeting of a principal council is required by section 100A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.

(7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
   (a) a copy of the agenda for a meeting of a principal council and, subject to subsection (8) below, a copy of each of the reports for the meeting;
   (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda; and
(c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.

(8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.

Annotations:

Extent Information
E7 This version of this provision extends to Wales only; a separate version has been created for England only

Amendments (Textual)
F382 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)
C231 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)
C241 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)
C242 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
C244 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)
C245 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

[\textsuperscript{F385}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

(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.]
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

F385 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)

C231 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)

C246 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)

C247 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

C248 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)

C249 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)

F386

Inspection of background papers.

F387(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 . . . of any document included in the list, to be open to inspection after the expiration of the period of four years beginning with the date of the meeting.

(3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.

(4) Nothing in this section—

(a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above; or

(b) without prejudice to the generality of subsection (2) of section 100A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.

(5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—
(a) disclose any facts or matters on which, in the opinion of the proper officer,
the report or an important part of the report is based, and

(b) have, in his opinion, been relied on to a material extent in preparing the report,
but do not include any published works.]

Annotations:

Amendments (Textual)

F386 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)
F387 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
F388 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)

C231 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(b)
C250 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)
C251 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
C252 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)
C253 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)

| F389 | 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.

(2) In the application by virtue of this section of sections 100A to 100D above in relation to a committee or sub-committee—

(a) section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent principal council and, if the meeting of the committee or sub-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—
Part VA – Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees.

(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

(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 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.

Annotations:

Amendments (Textual)
F389 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)
F390 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)
F391 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)

100E Inspection of records relating to functions exercisable by members

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

(2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.

(3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Amendments (Textual)
F392 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)
Additional rights of access to documents for members of principal councils.

(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 subsections (2) to (2C) below, be open to inspection by any member of the council.

(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.

(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.

(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) The appropriate person may by order amend subsections (2) to (2C) above—

(a) by adding to the descriptions of exempt information to which those subsections refer for the time being; or

(b) by removing any description of exempt information to which those subsections refer for the time being.

(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) 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.
Additional rights of access to documents for members of principal councils.

(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 subsections (2) to (2E) below, be open to inspection by any member of the council.

(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.

(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.

(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.

(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 —
Local Government Act 1972 (c. 70)

Part VA – Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees.

(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) The appropriate person may by order amend subsections (2) to (2E) above—

(a) by adding to the descriptions of exempt information to which those subsections refer for the time being; or

(b) by removing any description of exempt information to which those subsections refer for the time being.

(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) 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.

Annotations:

Extent Information

E8 This version of this provision extends to Wales only; a separate version has been created for England only

Amendments (Textual)

F393 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)

F395 S. 100F(2) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), art. 2(3)

F396 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)

F397 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)

F399 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)

F400 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)

F401 S. 100F(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), art. 2(6)

F402 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)

F1361 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)

F1362S. 100F(2C) substituted (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), art. 2(3)
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
       (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—
   (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.

Annotations:

Amendments (Textual)

<table>
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<th>Amendment</th>
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<tbody>
<tr>
<td>F403</td>
<td>Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)</td>
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<td>F404</td>
<td>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)</td>
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<td>C255</td>
<td>S. 100G applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. I</td>
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</table>
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 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), 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.

Annotations:

Amendments (Textual)

F405 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)
F406 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)

C256 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
C257 S. 100H amended by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), s. 1(4)(a)
C258 S. 100H applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, reg. 26, 27
S. 100H applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, Sch. 2 para. 1(3)
C259 S. 100H(2)(b) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), s. 1(4)(b)
C260 S. 100H(3) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), s. 1(4)(c)
C261 S. 100H(5) applied by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), s. 1(4)(d)

[F407] Exempt information and power to vary Schedule 12A.

(1) [F408] 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 interpretation of Parts 1 to 3 of that Schedule.

[F410] (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) [F411] 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) [F411] 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.

[F412] (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 \[F413\] made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Annotations:

Amendments (Textual)

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<td>F407</td>
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<td>F408</td>
<td>Words in s. 100I(1) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, art. 32)</td>
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<td>F409</td>
<td>Words in s. 100I(1) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, art. 32)</td>
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<td>F410</td>
<td>S. 100I(1A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, art. 33)</td>
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<td>F411</td>
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<td>C262</td>
<td>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)</td>
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<td>C263</td>
<td>S. 100I applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, regs. 26, 27</td>
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<td>C264</td>
<td>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)</td>
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<td>C265</td>
<td>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)</td>
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<td>C266</td>
<td>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)</td>
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<td>C267</td>
<td>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)</td>
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<td>C268</td>
<td>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)</td>
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</table>

[F414] Application to new authorities, Common Council, etc.

(1) Except in this section, any reference in this Part to a principal council includes a reference to—

\[F415\]

(a) \[F416\] a joint authority;
(b) a joint waste authority;\[F417\]
(ba) the London Fire and Emergency Planning Authority;\[F418\]
(bc) an economic prosperity board;
(bd) a combined authority;\[F419\]
(c) the Common Council;
Local Government Act 1972 (c. 70)

Part VA – Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[F419] (cc) The Broads Authority;

[F428] (cd) a National Park authority;

(d) a joint board or joint committee falling within subsection (2) below;

[F421] (e) ......................................................

[F422] (eza) ......................................................

(ea) ......................................................

[F424] (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.

[F425] (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.

[F426] (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) [F427], [F428(ba)], [bb][F429], (bc), (bd) or (c) of subsection (1) above shall be treated as a principal council.

[F430] (2A) In its application by virtue of subsection (1)(g) above in relation to the Homes and 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.

(3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph [F431] . . . . , (b) [F432], [F433(ba)], [bb][F434], (bc), (bd), [F435(cc)], [F436(cd)] . (d) [F437] . . . . [F438], (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.”

[F439] (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 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.”

[F440] (3ZAA) In its application by virtue of subsection (1)(h) above in relation to a Mayoral 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.

(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, a joint waste authority, an economic prosperity board, a combined authority, with the substitution for the words after “together with” of the words “[the]name or description of the body or other person that appointed him”; and
[b] in relation to the Broads Authority or its Navigation Committee, any National Park authority, with the substitution for the words after “together with” of the words “[the]name of the [person who appointed him]”; and
[aa] in relation to a Mayoral development corporation, joint board or joint committee falling within subsection (2) above, with the omission of the words after “for the time being”; and
[c] in relation to a fire and rescue authority falling within subsection (1)(f) above, with the substitution for the words, in the case of a councillor, the “ward or division” of the words “the constituent area”.

(4A) In its application by virtue of subsection (1)(bb) above in relation to the London Fire and Emergency Planning Authority, section 100G(1)(a) shall have effect with the substitution for the words after “together with,” in the case of a councillor, “the ward or division which he represents” of the words
(i) if he is an Assembly representative, whether he is a London member or a constituency member and, if a constituency member, the Assembly constituency for which he is a member; or
(ii) if he is a borough representative, the council of which he is a member (whether a London borough council or the Common Council).”

(4B) In this section “designated area” and “designation order” have the same meanings as in Part 1 of the Housing and Regeneration Act 2008.

(5) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)
F414 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 1(1)
F415 Words repealed by Education Reform Act 1988 (c. 40 SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1
F416 S. 100J(1)(ba) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 8(a); S.I. 2008/917, art. 2(1)(o)(p)
F417 S. 100J(1)(bb) inserted (3.7.2000) by 1999 c. 29, ss. 331(2) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(d)
F418 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(e)
F419 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)
F420 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)
F421 S. 100J(1)(ce) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 157(1), Sch. 16 para. 104(2); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)
F422 S. 100J(1)(cea) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 157(1), Sch. 16 para. 104(2); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)
F423 S. 100J(1)(ce) 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)
F424 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
F425 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)
F426 S. 100J(1)(h) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), Sch. 22 para. 3(2)
F427 Words in s. 100J(2) inserted (3.7.2000) by 1999 c. 29, ss. 331(3) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(d)
F428 Word in s. 100J(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 8(b); S.I. 2008/917, art. 2(1)(o)(p)
F429 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)
F430 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)
F431 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. 1
F432 Word in s. 100J(3) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 8(c); S.I. 2008/917, art. 2(1)(o)(p)
F433 Words in s. 100J(3) inserted (3.7.2000) by 1999 c. 29, ss. 331(4) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(d)
F434 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)
F435 (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)
F436 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)
F437 Words in s. 100J(3) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 157(1), Sch. 16 para. 104(3); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)
F438 Words in s. 100J(3) substituted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), Sch. 22 para. 3(3)
F439 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)
F440 S. 100J(3ZA) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), Sch. 22 para. 3(4)
F441 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)
F442 Words in s. 100J(4)(a) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 8(d); S.I. 2008/917, art. 2(1)(o)(p)
F443 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(e)

F444 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

F445 Words in s. 100J(4)(a) omitted (16.12.2012) 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)

F446 Words in s. 100J(4)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by Health Act 2007 (c. 28)

F447 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)

F448 Words 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)

F449 Words in s. 100J(4)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by Health Act 2007 (c. 28), ss. 43, Sch. 4 Pt. I para. 9(3)(b); S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4, Sch.

F450 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)

F451 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)

F452 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)

F453 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)

F454 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)

F455 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)

F456 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)

F457 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

F458 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)

F459 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)

F460 S. 100J(4A) inserted (3.7.2000) by 1999 c. 29, s. 331(5) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(d)

F461 Words in s. 100J(4A) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, Sch. 3 para. 8(6)(a)

F462 Word in s. 100J(4A) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, Sch. 3 para. 8(6)(b)

F463 S. 100J(4B) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, Sch. 8 para. 15(S); S.I. 2008/3068, art. 2(1)(w) (with savings and transitional provisions in arts. 6-13)

F464 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)

C269 S. 100J(1)(b) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(h)

C270 S. 100J(1)(b) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(h)
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 (and see section 100J(3ZA)(b) 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

(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]

(3) The Secretary of State may by order amend sections 100A(6)(a) and 100B(3) and (4) above so as to substitute for each reference to three clear days such greater number of days as may be specified in the order.

(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.]
PART VI

DISCHARGE OF FUNCTIONS

Annotations:

Modifications etc. (not altering text)

C272 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.

(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,—
(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 19 of the Local Government Act 2000 (discharge of functions of and by another authority).

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

[\textsc{F471}(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.

(5B) Subsection (5A) above does not affect arrangements made by virtue of section 20 of
the Local Government Act 2000 (joint exercise of functions).]

(6) A local authority’s functions with respect to levying, or issuing a precept for, a rate
\textsc{F472} shall be discharged only by the authority.

[\textsc{F473}(6A) Community Infrastructure Levy under Part 11 of the Planning Act 2008 is not a rate
for the purposes of subsection (6).]

(7) \textsc{F474} ............................................

(7A) \textsc{F475} ............................................

(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—
  \textsc{F476}(a) .............................................
  \textsc{F477}(b) .............................................
(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.

[F484](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.

F485(11) 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, [F486]the London Fire and Emergency Planning Authority,[F487] any joint authority except a police authority, [F488]an economic prosperity board, a combined authority,[F489] a joint waste authority,[F490] ... a joint board on which a local authority within the meaning of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health authority.

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

[F491](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).]
F475 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)
F476 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))
F477 S. 101(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F478 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.
F479 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))
F480 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
F481 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)(b)
F482 S. 101(9)(g) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. VII
F483 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.
F484 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
F485 S. 101(11) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F486 Words in s. 101(13) inserted (3.7.2000) by 1999 c. 29, s. 332(1) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(c)
F487 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84(1), Sch. 14 para. 15
F488 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)
F489 Words in s. 101(13) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 9; S.I. 2008/917, art. 2(1)(oo)(pp)
F490 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
F491 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)
C273 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)
C274 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: (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. 24; 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.)

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

C275 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)

C276 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)

C277 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)

C278 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)

C279 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)


C280 S. 101: power to dispay 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

C281 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

C282 S. 101 excluded (3.7.2006 for W.) by The Local Authorities (Standing Orders) (Wales) Regulations 2006 (S.I. 2006/1275), reg. 7

C283 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
C284 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)

C285 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)

C286 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

C287 S. 101 applied (with modifications) (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 9(3)

C288 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)

C289 S. 101 excluded by 2000 c. 22, s. 9R(6) (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes) 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))

C290 S. 101: power to exclude conferred by 2000 c. 22, s. 9J(2)(b) (as inserted (3.12.2011 for specified purposes) by Localism Act 2011 (c. 20), Sch. 2 para. 1; S.I. 2011/2896, art. 2(e))

C291 S. 101 excluded by 2000 c. 22, s. 9C(6) (as inserted (3.12.2011 for specified purposes, 15.1.2012 for specified purposes) 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))

C292 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)


C294 S. 101(1) excluded by 2000 c. 22, s. 9DA(3)(6) (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(c))

C295 S. 101(1)(a) amended by S.I. 1989/1815, art. 2, Sch. 1 para. 5(a)

C296 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. 9(2)

C297 S. 101(1)(b)(5) modified (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 1(1), 53(2); S.I. 2009/3272, art. 3, Sch. 2

C298 S. 101(2) extended by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2, s. 2(3)

C299 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

C300 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

C301 S. 101(2)-(4) power to apply (with modifications) conferred by 2000 c. 22, s. 9E(4)(b)(5) (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(c))

C302 S. 101(2) applied (15.1.2012) by Localism Act 2011 (c. 20), ss. 203(2)(b), 240(1)(l)

C303 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
Appointment of committees.

(1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above [F498] or [F499] section 53 of the Children Act 1989 [F499]—

(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.

[F494(1A) For the purpose of discharging any function in pursuance of arrangements made under regulations made under section 18 of the Local Government Act 2000 (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) [F498 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) 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,

(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, 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.

Annotations:

Amendments (Textual)

F492 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
F493 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)
F494 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)
F495 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)
F496 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
F497 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)

Modifications etc. (not altering text)

C286 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
C311 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.
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 \[F498\] or
groups of parishes] situated in the same district, by the district council;

[F499]\(aa\) 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.

Annotations:

Amendments (Textual)

F498 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

F499 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)

C286 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

C327 S. 103 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)

C328 S. 103 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)

C329 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 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

C330 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)

C331 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

C332 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)
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, or other educational institution maintained or assisted by a 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 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 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.

(5) In the application of this section to the London Fire and Emergency Planning Authority, the reference to a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be treated as if it included a reference to a person who is disqualified under section 21 of the Greater London Authority Act 1999 from being elected or being the Mayor of London or a member of the London Assembly.]

Annotations:

Amendments (Textual)

F500 Word repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. II

F501 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)

F502 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)

F503 S. 104(5) inserted (3.7.2000) by 1999 c. 29, s. 332(2) (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(e)
Disability for voting on account of interest in contracts, etc.

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

(a) references to meetings of any such committee shall be substituted for references to meetings of the local authority; and

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

Annotations:

Modifications etc. (not altering text)
C286 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
C346 S. 106 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)
C347 S. 106 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)
C348 S. 106 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, Sch. 3 para. 15
C349 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)
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
C350 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
C351 S. 106 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 10(5)
C352 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)
C353 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)
Application of foregoing provisions to police authorities.

(1) Subject to the following provisions of this section—
   (a) sections 101 to 103 and 106 above shall apply to a police authority as they apply to a local authority;
   (b) sections 101 to 105 above shall apply both to a police authority and a committee of any such authority or authorities as they apply to a committee of a local authority or authorities;

and in their application to the Common Council as police authority those sections and section 104 shall have effect subject to those provisions.

(2) A police authority may not arrange for the discharge of their functions by another police authority, and section 101(1)(b) and (3) above shall not apply to a police authority.

(3) The officers who may discharge the functions of a police authority in pursuance of arrangements under section 101(1), (2) or (5) above shall include the chief officer of police, his deputy while performing his duties and any civilian officer employed by the police authority or one of the police authorities.

(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 a police authority, 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 the authority but is not under the authority’s direction and control.

(3B) Section 101 above, in its application to a police authority, 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 that authority.

(4) The Secretary of State may by regulations make provision regulating the power of a police authority under section 101 above to arrange for the discharge of their functions by a committee, sub-committee, officer or member of the authority as respects part only of their area.

(4A) Regulations under subsection (4) may in particular—
   (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 a police authority 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 a police authority.

(6) .

(7) Section 103 above, in its application to a joint committee of police authorities, shall have effect as if for paragraphs (a) and (b) there were substituted the words “ by the Secretary of State “.
(8) A person shall not be disqualified by virtue of section 104 above for being a member of a police authority or the committee (or any sub-committee) of any such authority or authorities by virtue of his holding any office or employment, except employment [F514] by the police authority or one of the police authorities.

(8A) F514

F515

(9) F515

F516

(10) F516

Annotations:

Amendments (Textual)

F504 Words in s. 107(1)(a) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 27, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F505 Words in s. 107(1)(b) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 10(2)(a), Sch. 9 Pt. I; S.I. 1994/3236, art. 4(1), Sch.

F506 Words in s. 107(1) inserted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, Sch. 4 Pt. I para. 10(2)(b); S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), Sch.

F507 Words in s. 107(3) substituted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, Sch. 4 Pt. I para. 10(3); S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), Sch.

F508 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.

F509 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)

F510 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)

F511 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)

F512 Words in s. 107(7) substituted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 27(a); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

F513 Words in s. 107(8) substituted (1.10.1994 for specified purposes, otherwise 1.4.1995) by 1994 c. 29, s. 43, Sch. 4 Pt. I para. 10(5); S.I. 1994/2025, art. 6; S.I. 1994/3236, art. 4(1), Sch.

F514 S. 107(8A) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)

F515 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.

F516 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)

C354 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 provisions made by a grouping order and subject to such conditions as the meeting may impose, arrange for the discharge of any of their functions by a committee of
local government electors for the parish, but any such arrangement shall not prevent the meeting from exercising those functions.

109 Conferring functions of parish council on parish meeting.

(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.

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

*Annotations:* 

FS17 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**

*Annotations:*

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

C355 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

C356 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.
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.

In this section “local authority” includes the Common Council.

Annotations:

Modifications etc. (not altering text)
- S. 111 extended by Housing Act 1974 (c. 44), s. 126(1)
- S. 111 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(a)
- 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.
- 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)(y); S.I. 1997/1930, art. 2(1)(2)(m)
- 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
- 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))
- S. 111(3) excluded (18.11.2003) by Local Government Act 2003 (c. 26), ss. 93(7)(a), 128

Staff

Appointment of staff.

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.

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.

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).

Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.
The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

(4) Subsection (3) above does not apply to the following officers, that is to say—

(a) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(b) chief education officers appointed under \[F520\] section 532 of the Education Act 1996;

(c) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(d) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(e) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the \[M14\] Agriculture Act 1970; and

(g) directors of social services appointed under section 6 of the \[M15\] Local Authority Social Services Act 1970;

and it is hereby declared that subsection (3) above does not apply . . . \[F523\] 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 \[M16\] Local Authorities (Goods and Services) Act 1970.

Annotations:

Amendments (Textual)

F518 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)

F519 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

F520 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)

F521 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

F522 S. 112(4)(d) repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, Sch. 13 Pt. I

F523 Words repealed by virtue of Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

Modifications etc. (not altering text)

C365 S. 112 extended by City of London (Various Powers) Act 1977 (c. xv), s. 19

C366 S. 112 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)

C367 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.


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)
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.

(1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with the Health Protection Agency, a Strategic Health Authority, a Local Health Board, Special Health Authority, PrimaryCare Trust, NHS trust or NHS foundation trust—

(a) for the placing at the disposal of the Health Protection Agency, the [Special Health Authority, Local Health Board, 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 the Health Protection Agency, the [Special Health Authority, Local Health Board, 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.
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.

In subsection (1A) above “Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006. “NHS trust” means a National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

Annotations:

Amendments (Textual)
F524 S. 113(1A) added by National Health Service Reorganisation Act 1973 (c. 32), Sch. 4 para. 151(1)
F525 Words in s. 113(1A) inserted (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, Sch. 3 para. 4(a); S.I. 2005/121, art. 2(2)
F526 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
F527 Words in s. 113(1A) substituted (8.2.2000) by virtue of S.I. 2000/90, art. 3(1), Sch. 1 para. 10(a)
F528 Words in s. 113(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)
F529 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
F530 Words in s. 113(1A)(a) inserted (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, Sch. 3 para. 4(b); S.I. 2005/121, art. 2(2)
F531 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)
F532 Words in s. 113(1A)(b) inserted (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, Sch. 3 para. 4(c); S.I. 2005/121, art. 2(2)
F533 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)
F534 S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), Sch. 4 para. 151(2)
F535 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)
F536 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)
F537 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)
F538 Words in s. 113(4) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), Sch. 1 para. 10(b)
F539 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(b) (with Sch. 3 Pt. 1)

Modifications etc. (not altering text)
C370 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
C373 S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), s. 19
C374 S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)
C375 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
C376 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)

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.

(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.

Annotations:

Modifications etc. (not altering text)

C370 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
C379 S. 114 extended by Water Act 1973 (c. 37), s. 2(8), Sch. 3 para. 12
C380 Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)
C381 S.114 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch.2.

S.114: certain functions transferred (10.01.1992) 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 (4.3.1996) by S.I. 1996/263, reg. 10(1)
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)
C382 S. 114 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.
S. 114: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch.2.
C384 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
C385 Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 10(1)

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 of all money due from him to the proper officer of the local authority or in accordance with their directions.

(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.

Annotations:

Modifications etc. (not altering text)

C370 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
C386 S. 115 extended by Water Act 1973 (c. 37), s. 2(8), Sch. 3 para. 12
C387 Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)
C388 S. 115 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.
S. 115: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch.2.
C389 S.115 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), 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)
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\footnote{or elected\footnote{}} by that authority to any paid office, other than to the office of chairman or vice-chairman, 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\footnote{. . .}. 

Annotations:

Amendments (Textual)

F540 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)

F541 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)

C370 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

C393 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)

C394 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

C395 S. 116: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, Sch. 2
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 \[\text{level 4 on the standard scale}\].

(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.

Annotations:

Amendments (Textual)

F542 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C370 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

C402 S. 117 extended by Water Act 1973 (c. 37), s. 2(8), Sch. 3 para. 12

C403 S. 117 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)

C404 S. 117 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2

S.117: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2

C405 S.117 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.


C406 S. 117 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), Sch. 2

C407 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

C408 Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 10(1)

C409 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


C411 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

C412 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

C413 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.

Annotations:

Amendments (Textual)
F543 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 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.

(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 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.

Annotations:

Amendments (Textual)
F544 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86, Sch. 11

Modifications etc. (not altering text)
C414 S. 119 extended by Water Act 1973 (c. 37), s. 2(8), Sch. 3 para. 12
C415 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.
C416 S. 119 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), 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) (4.3.1996) by S.I. 1996/263, reg. 10(1)
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)
C418 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
C419 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
C420 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
C421 S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), Sch. 13 para. 12(b)

Marginal Citations
M17 1972 c. 11.
M18 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 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.

\[(3A)\] 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.\]

(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.

Annotations:

Amendments (Textual)

F545 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)

Modifications etc. (not altering text)

C422 S. 120 modified by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 19(4)
C423 S. 120 amended and certain functions transferred by S.I. 1989/304, art. 5(3)(g)(4)
C424 S. 120 amended by S.I. 1989/304, art. 5(4)(c)
C425 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
C426 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)
C427 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
C428 S. 120 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, Sch.
C429 S. 120 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, Sch.
C430 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
C431 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

M19 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 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 Acquisition of Land Act 1981 shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above.
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 [Section 229 of the Town and Country Planning Act 1990](#fn548) (land forming part of a common, etc.) unless—

(a) the total of the land appropriated in any particular common, . . . [Section 229](#fn549) or fuel or field garden allotment (giving those expressions the same meanings as in [Section 229](#fn549)) 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,

(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.[#fn551]

(3) 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 [Lands Clauses Consolidation Act 1845](#fn521) and section 10 of the [Compulsory Purchase Act 1965](#fn522) as having been authorised by the enactment or statutory order under which the land was acquired.[#fn554]
Disposal of land by principal councils.

(1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.

(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

(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.

(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 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.

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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.

Annotions:

Amendments (Textual)
F555 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)
F556 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
F557 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)
F558 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)
F559 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
F560 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)
C430 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
C441 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)
C442 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

C443 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)

C444 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)

C445 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)

C446 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

C447 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)

C448 S. 123 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, Sch.


C450 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 ss. 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

C451 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)

C452 S. 123(2) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(1)

C453 S. 123(2) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(a); S.I. 2010/3917, art. 2, Sch. 1

C454 S. 123(2)(a) 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))

C455 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)

C456 S. 123(2A) restricted (28.7.2000) by 2000 c. 21, ss. 131, 154(5)(c), Sch. 8 para. 9(2)

C457 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

C458 S. 123(2A) excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), Sch. 1 para. 10(2)(a); S.I. 2010/3917, art. 2, Sch. 1
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,

   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 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.

Annotations:

Marginal Citations

M23 1965 c. 56.
(4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.

(5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.

(6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
   (a) refuse to make an order, or
   (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils, the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981 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.

(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.

Annotations:

Amendments (Textual)

[F562 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]

[F563 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)

C459 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 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, or fuel or field garden allotment (giving those expressions the same meanings as in 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,

(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.

(5) 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 Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.
Disposal of land held by parishes and communities.

(1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.

(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.

(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 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.
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—
   (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 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.

Annotations:

Modifications etc. (not altering text)
C461 S. 128 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.
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 or under the 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.

Annotations:

Modifications etc. (not altering text)
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 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 Duchy of Lancaster Lands Act 1855.

### Annotations:

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

- **C463** 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.
- **C464** 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.
- **C465** 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
- **C474** S. 130 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.
- **C475** S. 130 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.

### 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 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 Technical and Industrial Institutions Act 1892;
   (b) the Military Lands Acts 1892 to 1903;
   (c) the Allotments Acts 1908 to 1950;
   (d) the Small Holdings and Allotments Acts 1908 to 1931;
   (e) the Ancient Monuments and Archaeological Areas Act 1979
   (g) section 28 of the Land Settlement (Facilities) Act 1919;
   (h) Part III of the Agriculture Act 1970; and
   (i) any local Act (including an Act confirming a provisional order).
   (j) the Housing Act 1985
   (k) any local Act (including an Act confirming a provisional order).

(3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of 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 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.

Annotations:

Amendments (Textual)

F573 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
F574 S. 131(2)(f) substituted by Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), Sch. 4 para. 13
F575 S. 131(2)(h) repealed by Civil Aviation (Amendment) Act 1982 (c. 1, SIF 9), s. 4(3), Sch. 2
F576 S. 131(2)(ij) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, Sch. 1
F577 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
F578 S. 131(2)(m) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, Sch. 2 para. 23
F579 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)
F580 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)

C463 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.
C464 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.
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.

Annotations:

Modifications etc. (not altering text)

C477 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.

C478 S. 132 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), 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)


C480 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 local authority . . . 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.

(2) If in a community there is no suitable public room vested in the community council which can be used free of charge or there is no community council, a suitable room in premises of a school maintained by the local authority . . . 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 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.

(5) If any question arises under this section as to what is reasonable or suitable, it may be determined by the Secretary of State.

[F584(6) In subsections (1) and (2) “local authority” has the meaning given by section 579(1) of the Education Act 1996.]
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.
169

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.

Annotations:

Modifications etc. (not altering text)

C488 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

|F585| 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—
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.

F586

(2A) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

F587

(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 [F588, 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 [F589 Schedule 12B to this Act], by

(b) the relevant population of the authority’s area.

(4AA) F590 . . . . . . . . . . . . . . . . . . . . . . . . . .
(4AB) For the purposes of subsection (4)(b) above the relevant population of a local authority’s area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.

(4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

(a) the amount of any expenditure which forms part of the authority’s gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);

(b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;

(c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;

(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) ... 

(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.

(7A) In relation to England, section 14 of the Audit Commission Act 1998 (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 27 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.

(8) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(9) Subject to subsection (10) below, in this section “local authority” means—

(a) a parish council which is not an eligible parish council for the purposes of Chapter 1 of Part I of the Localism Act 2011 (general power of competence), or

(b) a community council.

(10) In subsection (3) above “local authority” means—

(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.

Annotations:

Amendments (Textual)

F585 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

F586 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)

F587 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)

F588 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 Sch. 2); S.I. 2003/3034, art. 2(2), Sch. 1 Pt. II

F589 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.)

F590 S. 137(4A)(4B) 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

F591 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

F592 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)

F593 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)

F594 S. 137(8) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 36(6)(b)

F595 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

F596 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)}

F597 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)
[F598 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.]
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

(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.

(1A) . . . . . . . . . . . . . . . . . . . . . . . . . .

(2) . . . . . . . . . . . . . . . . . . . . . . . . . . .

(3) Nothing in this section authorises a local authority to execute—

(a) any drainage or other works in any part of a main river, 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 sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991, but subject to those limitations, the powers conferred by subsections (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.

(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and the London Fire and Emergency Planning Authority may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.

(6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.

Annotations:

Amendments (Textual)
F599 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)
F600 S. 138(2) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. 1
F601 Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 156(2)(a)
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 [1996 c. 56, ss. 582(1), 583(2)].

Annotations:

Amendments (Textual)

F607 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))
Insurance by local authorities against accidents to members.

(1) A local authority may enter into a contract of 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 Life Assurance Act 1774 shall not apply to any such contract.

(3A) References to accident insurance 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.

(4) In this section, the expression “member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

C507 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
M33 1774 c. 48.

[F613] 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—

(a) a board constituted in pursuance of [F614] 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.

Annotations:

Amendments (Textual)
F613 Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)
F614 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)
C508 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)

[F615] Insurance of voluntary assistants of probation committee.

(1) A county council [F616] . . 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.

(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.

Annotations:

Amendments (Textual)
F615 Ss. 140A–140C inserted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 39(2)
F616 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F617 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)
C510 S. 140B: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)

Provisions supplementary to sections 140A, 140B.

(1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
   (a) contracts of permanent health insurance; and
   (b) contracts of accident insurance.

(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...
141 Research and the collection of information.

(1) [F621] 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.

[F622] (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.]
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 \[F623\] mentioned in subsection (1B) below or by government departments or by charities and other voluntary organisations, and other information \[F624\] relating to the functions of the authority.

\[F625\] 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.

\[F626\] A local authority may—

(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) \[F627\] 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, . . . a joint authority established by Part IV of the Local Government Act 1985 [F629 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 [F630 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.

[F631(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.

[F632(4) This section shall have effect as if any reference to a local authority included a reference to the London Fire and Emergency Planning Authority.]

Annotations:

Amendments (Textual)

F623 Words inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)

F624 Words substituted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(a)

F625 S. 142(1A)(1B) inserted by Local Government Act 1986 (c. 10, SIF 81:1, 2), s. 3(1)(b)(2)

F626 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

F627 Words in s. 142(1AC) substituted (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 123, 126, Sch. 7 para. 5

F628 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F629 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F630 Words substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 3(1)(c)

F631 S. 142(2A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 38(2)

F632 S. 142(4) added (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 17 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)
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.

Annotations:

Modifications etc. (not altering text)
C521 S. 143 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.
S. 143: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.
C522 S. 143 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.
S. 143: certain functions transferred (10.01.1992) 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. 7.
S. 143 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 7.
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

   (b) provide, or encourage any other person or body to provide, facilities for 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.

(3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(5) In this section “local authority” includes the Common Council.

Annotations:

Amendments (Textual)

F633 Word repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 81, Sch. 2
F634 S. 144(3) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. XVI
F635 S. 144(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

Modifications etc. (not altering text)

C524 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)
C525 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)
C526 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

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 alcohol.

(5) In this section, the expression “local authority” includes the Common Council.
(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 M34 Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act.

[F637 (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 M35 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;

[F638 “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 a county court would have jurisdiction if the application were an application made under the M36 Trustee Act 1925, by that court.

Annotations:

Amendments (Textual)
F637 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

F638 Definition substituted by Financial Services Act 1986 (c. 60, SIF 69), s. 212(2), Sch. 16 para. 8(b)

Modifications etc. (not altering text)
C529 S. 146 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)

C530 S. 146 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)

C531 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)

C532 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
M34 1925 c. 19.
M35 1939 c. 40.
M36 1925 c. 19.
Joint Authorities and Inner London Education Authority.

(1) Subject to subsections (1ZA), (1ZB), (1ZC), (1ZD) or (1ZE) below, a joint authority, an economic prosperity board, a combined authority, a joint waste authority, the London Fire and Emergency Planning Authority shall each be treated—

(a) as a local authority for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except sub-sections (1)(b) and (2)), 140, 140A, 140C, 143 and 146 above; and

(b) as a principal council for the purposes of section 120 (except subsection (1) (b)) and sections 121 to 123 above.

(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.

(1ZC) Neither a metropolitan county fire and rescue authority, nor the London Fire and Emergency Planning Authority, 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).

(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).

Annotations:

Amendments (Textual)

F639 S. 146A inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 16
F640 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.
F641 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)
F642 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)
F643 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(c)
F644 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)
F645 Words in s. 146A(1) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 10; S.I. 2008/917, art. 2(1)(o)(p)
PART VIII

FINANCE

Annotations:

Modifications etc. (not altering text)
C533 Pt. VIII (ss. 147–178) modified by S.I. 1983/249, reg. 2, Sch. 4

Expenses and receipts

F658 147

Annotations:

Amendments (Textual)
148 Principal councils’ funds and accounts.

(1) The council of each county shall keep a fund to be known as the county fund.

(2) The council of each county shall keep a fund to be known as the county fund.

(3) 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.

(4) Accounts shall be kept of receipts carried to, and payments made out of, the county fund, in the case of a county, and 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,

(5) 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.

(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.

(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.

(6) This section does not apply in relation to a Welsh county council or county borough council.

Annotations:

Amendments (Textual)

F660 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F663 S. 148(5A)(5B) added (28.11.1994) by S.I 1994/2825, reg. 4
F664 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)

C536 S. 148(2) modified by Local Government Act 1985 (c. 51, SIF 81:1), s. 63(2)(6)
C537 S. 148(4) applied (with modifications) (28.11.1994) by S.I. 1994/2825, reg. 16(1)(b)
C538 S. 148(5) applied (28.11.1994) by S.I. 1994/2825, reg. 16(3)
150 Expenses of parish and community councils.

(1) 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.

(2) 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 principal area in which the community is situated.

(3) In a community having a separate community council, whether separate or common, the expenses of any community meeting shall be paid by the council of the community.

(4) Every cheque or other order for the payment of money by a parish or community council shall be signed by two members of the council.

(5) 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.

(6) 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.

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.
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.

153 Application of capital money on disposal of land.

..................
(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.

(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.

In this section “local authority” means—

(a) a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

(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 the Local Government Finance Act 1988;

(c) a body as regards which section 75 of that Act applies.

Annotations:

Amendments (Textual)

F671 S. 168(1)(b) substituted by S.I. 1990/776, art. 8, Sch. 3 para. 17

F672 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

F673 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

F674 S. 168(5) substituted by S.I. 1990/776, art. 8, Sch. 3 para. 18

F675 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

F676 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

F677 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

F678 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)

C542 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)

Initial expenses of new authorities.
172 Miscellaneous amendments of enactments relating to finance and rating.

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.

Annotations:

Amendments (Textual)

F682 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. 1

173 Attendance allowance and financial loss allowance.

(1) Subject to subsection (6) below, any member of a 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 parish or community council may determine 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 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 council entitled to the allowance in respect of any description at the same time of day and of the same duration.

(4) Subject to subsection (6) below, any member of a 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.

(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.

Annotations:

Amendments (Textual)

F683 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))

F684 Words added by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), s. 24(1)(3)

F685 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))

F686 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))

F687 S. 173(5) repealed by S.I. 1977/1710, art. 3(c)

Modifications etc. (not altering text)

C543 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))

C544 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 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. 3(1)(2)); S.I. 2005/1395, art. 4, Sch. (with art. 5(3)(a))
Right to opt for financial loss allowance.

(1) If a councillor gives notice in writing to the 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 parish or community council not later than the end of the period of one month beginning with the day of his election as a member of the council, 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.

(4A) If a councillor who has given 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.]
174 Travelling allowance and subsistence allowance.

(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 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.

Annotations:

Amendments (Textual)
F694 Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 25(1)
F695 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)

C556 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

C557 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

C558 S. 174 restricted by S.I. 1991/351, reg. 21

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

C560 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)))

C561 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)


C564 Ss. 173–178 applied (1.4.2009) by The Charity Trustees Regulations 2009 (S.I. 2009/467), reg. 14(2)

C565 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)

C566 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

C567 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 (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)}
C568 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)

175 Allowances for attending conferences and meetings.

(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 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.
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.

Annotations:

Amendments (Textual)

F696 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)

F697 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

F698 Words inserted by virtue of Water Act 1983 (c. 23, SIF 130), s. 11(2), Sch. 4 para. 7

F699 Words in s. 175(3B) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 18 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)

F700 Words in s. 175(3B) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 11; S.I. 2008/917, art. 2(1)(o)(p)

F701 Words in s. 175(3B) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), Sch. 6 para. 22; S.I. 2009/3318, art. 2(e)

F702 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)

C569 S. 175 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 5
S. 175 restricted by S.I.1991/351, rega.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)

C570 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)


C574 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)
176 Payment of expenses of official and courtesy visits, etc.

(1) Subject to subsection (2) below, a local authority may—
   (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the authority;
   (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the authority and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons.

(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.

[F761] (3) In this section “local authority” includes a joint authority, [F764 an economic prosperity board, a combined authority,][F765 a joint waste authority][F766 and the London Fire and Emergency Planning Authority]. . .

Annotations:

Amendments (Textual)
F703 S. 176(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 18
F704 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)
F705 Words in s. 176(3) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 12; S.I 2008/917, {art. 2(1)(o)(p)}
F706 Words in s. 176(3) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 19 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(b)

Modifications etc. (not altering text)
C576 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)


CS78 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 14(2)

CS79 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

CS80 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)

CS81 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)

CS82 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)

CS83 S. 176(3) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 11(f)

CS84 S. 176(3) modified by S.I. 1987/2110, art. 2, Sch. 1 para. 3(1)

177 Provisions supplementary to sections 173 to 176.

(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.

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);

(b) and

(c) regulations made by virtue of section 52(6) of the Education Act 2002 (allowances for exclusion appeal panels).

(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.

(3) For the purposes of sections 173 to 176 above 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 F714 or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989].

F715

Annotations:

Amendments (Textual)

F707 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))

F708 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.

F709 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

F710 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)

F711 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)

F712 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)

F713 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)

F714 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)

F715 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)

C585 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

C586 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

C587 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)


C589 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)

C590 S. 177(1)(b) applied (with modifications) (23.11.1995) by S.I. 1995/2803, art. 18, Sch. 5 para. 2
178 Regulations as to allowances.

(1) The Secretary of State may make regulations as to the manner in which sections 173 to 176 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 or 177 above or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Amendments (Textual)

F716 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)

C591 S. 178 applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), art. 20(6)

C592 S. 178 applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), art. 9(8)

C593 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)

C594 Ss. 173-178 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), reg. 14(2)
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.

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;
[F719(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 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;

(b) the Alkali, &c. Works Regulation Act 1906;

(c) the Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below;

(d) section 8 of the Local Government (Miscellaneous Provisions) Act 1953;

(e) Part XIII of the Mines and Quarries Act 1954;

(f) . . . . . . . . . . . . . . . . . . .

(g) section 1 of the Noise Abatement Act 1960;

(h) the Public Health Act 1961, except so much of it as falls within section 181(2) below;

(i) . . . . . . . . . . . . . . . . . .

(j) . . . . . . . . . . . . . . . . . .

(k) section 6 of the Chronically Sick and Disabled Persons Act 1970.

(4) Expressions used in this section and Schedule 14 to this Act and in the 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.

Annotations:

Amendments (Textual)
F719 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
F720 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
F721 S. 180(3)(d)(g) repealed (prosp.) by Control of Pollution Act 1974 (c. 40), s. 109(2), Sch. 4
F722 S. 180(3)(f) repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6.
F723 S. 180(3)(i) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3
F724 S. 180(3)(j) repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. III

Marginal Citations
M37 1936 c. 49.
M38 1906 c. 14.
M39 1936 c. 49.
M41 1954 c. 70.
M42 1960 c. 68.
M43 1961 c. 64.
181  Water and sewerage.

(1) For the purposes of the following enactments, that is to say—
   (a) Part IV of the M46 Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV;
   (b) the M47 Rural Water Supplies and Sewerage Act 1944, so far as relating to water;
   (c) section 12 of the M48 Local Government (Miscellaneous Provisions) Act 1953;
   (d) the M49 Water Acts 1945 M50 and 1948 and the M51 Water Act 1958;

the local authority shall, for any district, be the district council, and for any London borough, be the borough council [F725 and for any principal area in Wales, be the principal council].

(2) For the purposes of the following enactments, that is to say—
   (a) [F726 sections 15, 17–24, 27, 29–34, 36 and 42] of the M52 Public Health Act 1936 and sections 90 and Part XII of that Act, so far as relating to those sections;
   (b) the M53 Public Health (Drainage of Trade Premises) Act 1937;
   (c) the M54 Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage;
   (d) section 13 of the M55 Local Government (Miscellaneous Provisions) Act 1953;
   (e) sections 12 to 15 and Part V of, and Schedule 2 to, the M56 Public Health Act 1961;

the local authority shall for any area outside Greater London be the district council.

(9) An order under section 6 of the M57 Public Health Act 1936 or under subsection (3) above or an order amending any such order may confer on a joint board constituted for the exercise of sewerage functions any of the sewerage functions of the constituent members and may confer such functions—
   (a) subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the discharge of the functions by the constituent member); or
   (b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.

(10) Schedule 15 to this Act shall have effect for making amendments and modifications to the enactments relating to water and sewerage.

(11) In this section—
   “sewerage functions” means functions under any of the enactments mentioned in subsection (2) above; and
Number

Annotations:

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.

Amendments (Textual)
F725 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
F726 Words substituted by Building Act 1984 (c. 55, SIF 15), ss. 133, 135, Sch. 6 para. 14
F727 Ss. 177(1)(b), 181(3)–(8) repealed by Water Act 1973 (c. 37), Sch. 9
F728 Definition repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

Marginal Citations
M46 1936 c. 49.
M49 1945 c. 42.
M50 1948 c. 22.
M51 1958 c. 67.
M52 1936 c. 49.
M53 1937 c. 40.
M54 1944 c. 26.
M56 1961 c. 64.
M57 1936 c. 49.

182 Town and Country Planning.

F729 (1) ......................................................
F730 (2) ......................................................

(3) In that Schedule—
F730 (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

F730 (c) ......................................................

F730 (4) ......................................................

Annotations:

Amendments (Textual)
F729 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
F730 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
183 National Park and countryside functions.

(1) The functions conferred on a local planning authority by or under the National Parks and Access to the Countryside Act 1949 and the 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 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, be functions of the county planning authority.

(3) The functions of a local planning authority under 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, be exercisable both by county planning authorities and district planning authorities.

(5) References in the said Acts of 1949 and 1968 to a local planning authority shall be construed accordingly.

(6) 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.

(7) In that Schedule “the 1949 Act” and “the 1968 Act” mean the said Acts of 1949 and 1968 respectively.
185 Town development.

(1) In the 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”.

(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 Housing Act 1961 and subsections (1) and (2) of section 61 of the 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.

Annotations:

Amendments (Textual)
F738 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
186  Traffic and transportation functions.

(6) So much of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking shall cease to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in subsection (1)(c) of that section—

(a) may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate; and

(b) may, if they think fit, determine that any such charges shall no longer be made;

and so much of section 1(2) of the Ferries (Acquisition by Local Authorities) Act 1919 as requires the approval of the Secretary of State to any scale of tolls fixed by a local authority or to a determination by a local authority to free a ferry from tolls shall cease to have effect.

(7) In subsection (6) above, “local authority” includes any existing county borough or county district council and the Common Council.

Annotations:

Amendments (Textual)
F739 S. 186(1)(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XV Gp. 1.
F740 S. 186(2) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, Sch. 2
F741 S. 186(3) repealed by Transport Act 1980 (c. 34, SIF 107:1), s. 69, Sch. 9 Pt. I
F742 S. 186(5) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

Marginal Citations
M63 1954 c. 64.
M64 1919 c. 75.

187  Local highway authorities and maintenance powers of district councils.

(3) With respect to footpaths [bridleways and restricted byways] within their area a district council [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 Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and

(b) ..........................
“Restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.

Amendments (Textual)

S. 187(1)(2)(3)(b)(4)–(8) repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25


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


Modifications etc. (not altering text)


Marginal Citations

M66 1949 c. 97.

188 ..........................
and where those references fall to be construed in accordance with paragraph (e) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district [F750 or (as the case may be) area].

(4) In section 193(1) of the M67 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 ”.

Annotations:

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.

Amendments (Textual)
F748 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(b); S.I. 2007/2386, art. 3(p)(ii)
F749 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
F750 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
M66 1857 c. 31.
M67 1925 c. 20.

190 Sites for gipsy encampments.

F751

Annotations:

Amendments (Textual)
F751 S. 190 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}
(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 [F752 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 [F752
       (or, in Wales, the principal council)].

(5) F754 . . . References in that Act to a county include references to any [F755 preserved
    county or] local government area within the meaning of this Act.

Annotations:

Amendments (Textual)
F752 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
F753 S. 191(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Gp. 1.
F754 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}
F755 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
M68 1841 c. 30.

Education, social and welfare services

F756192 .................................

Annotations:

Amendments (Textual)
F756 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)

F757193, 194. .................................

194.

Annotations:

Amendments (Textual)
F757 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 \[M69\] Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “non-metropolitan counties, metropolitan districts”.

(2) In a non-metropolitan county \[F758\] 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 \[M70\] 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 \[M71\] Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and

   (b) schemes approved under section 34 of the \[M72\] 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, \[F759\] . . ., 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 \[M73\] 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 \[M74\] 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.

\[F760\] (7) In section 64(1) of the \[M75\] National Assistance Act 1948 (interpretation), in the definition of “local authority”, the words “county borough” shall be omitted and, after word “district”, there shall be inserted the words “or London borough or the Common Council of the City of London”.

[\[F760\] ]
Annotations:

Amendments (Textual)
F758 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
F759 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
F760 S. 195(7) added (retrospectively) by Health Services Act 1980 (c. 53, SIF 113:2), s. 23

Marginal Citations
M69 1970 c. 42.
M70 1946 c. 81.
M71 1968 c. 46.
M72 1948 c. 29.
M73 1958 c. 55.
M74 1969 c. 54.
M75 1948 c.29(81:3).

Miscellaneous functions
F761 196

Annotations:

Amendments (Textual)
F761 S. 196 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

197 Fire services.
(1) F762
(2) F762
(3) F762
F763(4)
X3(5) In section 10 of the M76 Fire Services Act 1947, as amended by Schedule 8 to the M77 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 ”

Annotations:

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.
Amendments (Textual)

F762 S. 197(1)-(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. I(1), {Sch. 1 Pt. 10 Group 1}
F763 S. 197(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, Sch. 6 Pt. IV
F764 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

Marginal Citations

M76 1974 c. 41.
M77 1958 c. 55.

F765 198, 199.

Annotations:

Amendments (Textual)

F765 Ss. 198, 199 repealed by Food Act 1984 (c. 30, SIF 53:1), ss. 134, 136, Sch. 11

F766 200.

Annotations:

Amendments (Textual)

F766 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

F767 201.

Annotations:

Amendments (Textual)

F767 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.

(1) . . . . . . . . . . . . . . . . . . . . . . . . .

(2) F769 . . . . Part II of the 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 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) to remove, or to transfer to the Passenger Transport Authority, certain functions originally conferred on the Secretary of State.

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(8) Expressions used in this section have the same meanings as in the Transport Act 1968.

Annotations:

Amendments (Textual)

F768 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

F769 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

F770 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

F771 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

M78 1968 c. 73.
M79 1969 c. 35.
M80 1968 c. 73.

Annotations:

Amendments (Textual)

F772 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.

Annotations:

Amendments (Textual)

F773 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)
206 Public libraries and museums (England).

The local authorities for the purposes of the Public Libraries and Museums Act 1964 in England shall be county councils, London borough councils, district councils, the Common Council and the Council of the Isles of Scilly and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

(a) the council of a non-metropolitan county;
(b) the council of a London borough and the Common Council;
(c) the council of a metropolitan district;

shall be a library authority for those purposes.


(1) It shall not be necessary for any local authority within the meaning of the 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 ”;
(f) in section 11(2), the reference to section 60(2) of the 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 words “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.

Annotations:

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

M82 1964 c. 75.
M83 1958 c. 55.

209 ..........................
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—

(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 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 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.

(8) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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 Charities Act 1960.

Annotations:

Amendments (Textual)

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Modifications etc. (not altering text)

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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 Welsh Church Act 1914 (application of Welsh Church funds for charitable or eleemosynary purposes) shall be vested, by virtue of this Act, in the council of the new county which comprises the whole or the greater part of the area of that existing county or county borough.

(2) Where, by virtue of subsection (1) above, property vested in the council of an existing county becomes vested in the council of a new county which does not comprise the whole of the area of the existing county, the new county council shall transfer an apportioned part of the property to each of the other new county councils whose areas include parts of the area of the existing county.

(3) An apportionment for the purposes of subsection (2) above shall be made by agreement between the new county councils concerned, or, in default of such an agreement, shall be determined by arbitration before a single arbitrator appointed by agreement between those councils or, in default of such an agreement, appointed by the Secretary of State.

(4) The vesting or transfer of any property by virtue of this section shall not affect the application of the property in accordance with the scheme under section 19 of the 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.
214 Cemeteries and crematoria.

(1) The following authorities, that is to say, the councils of [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 Burial Act 1852 or section 53(2) of the Local Government Act 1894 or by any local statutory provision shall cease to exist.

(2) Burial authorities may provide and maintain cemeteries whether in or outside their area.

(3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—
   (a) impose a fine for any contravention of the order; and
   (b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.

(4) An order under this section may only be made after consultation with associations appearing to the Secretary of State to be representative of local authorities and with other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.

(5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the Cremation Acts 1902 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).
215 Maintenance of a closed churchyard.

(1) Subject to subsection (2) below, where outside the area subject to the 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 county or county borough in which the community is situated; or

(d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated;

and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.

(3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district, Welsh county or (as the case may be) county borough and to the parochial church council maintaining the churchyard, the 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 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 Welsh Church Act 1914.

(5) In subsection (1) above, “the area subject to the Welsh Church Act 1914” means the area in which the Church of England was disestablished by that Act.

Annotations:
Amendments (Textual)
F783 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
F784 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
F785 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
M92 1914 c. 91.
M93 1855 c. 128.
M94 1914 c. 91.
M95 1914 c. 91.

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 . . . . . 218 and 219 below the Isles of Scilly shall be deemed to form part of the county of Cornwall.

Annotations:
Amendments (Textual)
F786 Section number repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
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.

(2) 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.

(3) The Lord Chancellor may by order prescribe the area for which each under-sheriff is to act.

(4) Where the area for which an under-sheriff acts is situated in two or more counties, the duty imposed by section 23 of the 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 by the bailiff of a franchise.

(8) In this section “county” has the same meaning as in the Sheriffs Act 1887 and “Greater London” does not include the City or the Temples.

(9) In subsections (1) and (5) above “county”, in relation to Wales, means a preserved county.
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.
227

(2) In this section “local authority” includes the Common Council \[F798\] and the London Fire and Emergency Planning Authority. . .

Annotations:

Amendments (Textual)

F798 Words in s. 222(2) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. 1 para. 20 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(h)

Modifications etc. (not altering text)

C598 S. 222 amended by S.I. 1990/1765, art. 4(3)
C599 S. 222 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch. 2.
C600 S. 222 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.
C601 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)
C602 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.
C603 S. 222 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, Sch.
C604 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
C605 S. 222 modified (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, 11(b)

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, \[F799\] to conduct any such proceedings. . .

(2) In this section “local authority” includes the Common Council \[F798\], a joint authority, \[F801\] an economic prosperity board, a combined authority, \[F802\] a joint waste authority, \[F803\] the Greater London Authority \[F804\] and \[F805\], a \[F806\] police and crime commissioner and the Mayor's Office for Policing and Crime. . .

Annotations:

Amendments (Textual)

F799 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)
F800 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 21
F801 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
Arrangements by principal councils for custody of documents.

[\textsuperscript{1807}(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.
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 \[F813\] principal council.\[F814\]

\[F815\] (3) In this section “local authority” includes a joint authority \[F816\] an economic prosperity board, a combined authority \[F817\] and a joint waste authority]

Annotations:

Amendments (Textual)

F813 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

F814 S. 225(3) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 23

F815 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)

F816 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

F817 Words in s. 225(3) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 15; S.I 2008/917, {art. 2(1)(o)(p)}

Modifications etc. (not altering text)

C620 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

C623 S. 225 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 121(g)

C624 S. 225 modified (07.08.1991) by S.I.1991/1773, art. 8(2), Sch. 2.

S. 225: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.

C625 S. 225 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.

S. 225: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch. 2

S. 225 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), Sch. 13 para. 19(g) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

S. 225 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

S. 225 modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 1(e)

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

C626 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)

C627 S. 225(3) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(a)

C628 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 [F818 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 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 [F818 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 [F819 Wales or in] a [F820 metropolitan district], London borough or the City, be determined by the Secretary of State and in any other case by the county council.

(5) [F821 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[F822 . . . or parish meeting[F823 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[F822 . . . or parish meeting.

[F824 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.]
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 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 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.

Inspection of documents.

(1) The minutes of proceedings of a parish or community council shall be open to the inspection of any local government elector for the area of 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.
(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 \( F^{829} \) level 1 on the standard scale.

\( F^{830} \) (7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority \( F^{831} \), an economic prosperity board, \( F^{832} \) or a combined authority \( F^{833} \) . . . . . . as if that authority were a local authority and as if, \( F^{834} \) . . . . . 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.

\( F^{835} \) (7B) This section shall apply to the minutes of proceedings and the accounts of a joint waste authority as if that authority were a local authority; and in relation to a joint waste authority the reference to a local government elector for the area of the authority is to be construed in accordance with section 92(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 \( F^{836} \) parish council.

\( F^{837} \) (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.
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 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 Civil Evidence Act 1968 and “local authority” includes a joint authority, an economic prosperity board, a combined authority, a joint waste authority, a police and crime commissioner and the Mayor’s Office for Policing and Crime.

Annotations:

Amendments (Textual)

F838 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 25
F839 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(e)
F840 Words in s. 229(8) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 17; S.I 2008/917, art. 2(1)(o)(p)
F841 Words in s. 229(8) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), Sch. 16 para. 111; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 32)
F842 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

C620 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
C637 S. 229 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(g)
C638 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
C639 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)
C640 S. 229(8) amended by S.I. 1985/1884, art. 10, Sch. 3 para. 1(o)
C641 S. 229(8) modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(n)

Marginal Citations

M98 1958 c. 51.
230 Reports and returns.

(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.

(2) In this section “local authority” includes a joint authority, an economic prosperity board, a combined authority and a joint waste authority.

Annotations:

Amendments (Textual)

F843 S. 230 renumbered as S. 230(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), Sch. 14 Pt. 1 para. 26

F844 S. 230(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), Sch. 14 Pt. 1 para. 26

F845 Words in s. 230(2) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 146(8), Sch. 6 para. 29; S.I 2009/3318, art. 2(c)

F846 Words in s. 230(2) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 18; S.I 2008/917, {art. 2(o)(p)}

F847 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

C620 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

C642 S. 230 modified by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 50

C643 S. 230 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(g)


C645 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

C646 S. 230(2) applied by S.I. 1985/1884, art. 10, Sch. 3 para. 1(n)

C647 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.

(4) In this section “local authority” includes a joint authority, an economic prosperity board, a combined authority, a joint waste authority, a police and crime commissioner and the Mayor’s Office for Policing and Crime.

Annotations:

Amendments (Textual)

F848 S. 231(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 27
F849 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)
F850 Words in s. 231(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 19; S.I. 2008/917, {art. 2(1)(o)(p)}
F851 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)
F852 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

C620 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
C648 S. 231 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(g)
C649 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 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(d) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
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)
232 Public notices.

(1) Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—

(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.

(1A) In subsection (1) above “local authority” includes a joint authority, an economic prosperity board, a combined authority, a joint waste authority, a police and crime commissioner and the Mayor’s Office for Policing and Crime.

(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.

Annotations:

Amendments (Textual)

F853 S. 232(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 28
F854 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)
F855 Words in s. 232(1A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 20; S.I. 2008/917, {art. 2(1)(o)(p)}
F856 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)
F857 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)

C620 S. 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
C655 S. 232 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(g)
C656 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)
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 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 Interpretation Act 1889 as his proper address.
(7) If the name or address of any owner, lessee or occupier of land to or on whom any document mentioned in subsection (1) above is to be given or served cannot after reasonable inquiry be ascertained, the document may be given or served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

(8) This section shall apply to a document required or authorised by or under any enactment to be given to or served on any person by or on behalf of the chairman of a parish meeting as it applies to a document so required or authorised to be given to or served on any person by or on behalf of a local authority.

(9) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court.

(10) Except as aforesaid and subject to any provision of any enactment or instrument excluding the foregoing provisions of this section, the methods of giving or serving documents which are available under those provisions are in addition to the methods which are available under any other enactment or any instrument made under any enactment.

\[F859(11)\] In this section “local authority” includes a joint authority, \[F860\] an economic prosperity board, a combined authority, \[F861\] a joint waste authority, \[F862\] a police and crime commissioner and the Mayor’s Office for Policing and Crime\[ \ldots \]
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.

In this section “local authority” includes a joint authority, an economic prosperity board, a combined authority, a joint waste authority, a police and crime commissioner and the Mayor's Office for Policing and Crime.

Annotations:

Amendments (Textual)

F864 S. 234(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 30
F865 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)
F866 Words in s. 234(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 22; S.I 2008/917, {art. 2(1)(o)(p)}
Power of councils to make byelaws for good rule and government and suppression of nuisances.

(1) The council of a district [F869] the council of a principal area in Wales] 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 [F870] principal area] or borough, as the case may be, and for the prevention and suppression of nuisances therein.

(2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.

(3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

Annotations:

Amendments (Textual)

F869 Words in s. 235(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 49 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F870 Words in s. 235(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 49 (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)

**C675** 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

**C676** 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)}

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#### 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 under this Act, and to byelaws made by a local authority, the Greater London Authority, Transport for London, 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 byelaws of a class prescribed by regulations under section 236A, or byelaws made . . . by the Civil Aviation Authority under section 29 of the Civil Aviation Act 1982.

(3) 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 or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.

(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.

(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 [F880] or in Wales of a principal council shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish or community to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community.

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.

[10A] Subsection (10) above does not apply to a principal council in Wales.

[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.

[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.

Annotations:

Amendments (Textual)

F871 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 31(1)
F872 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
F873 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
F874 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(e)
F875 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)
F876 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. 1
F877 Words substituted by Civil Aviation Act 1982 (c. 16, SIF 9), Sch. 15 para. 11
F878 Words in s. 236(3) substituted (20.11.2001) by S.I. 2001/3719, art. 2, Sch. para. 3(2)
F879 S. 236(3A) inserted (20.11.2001) by S.I. 2001/3719, art. 2, Sch. para. 3(3)
F880 Words in s. 236(9) inserted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 50 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F881 S. 236(10A) inserted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 50 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F882 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
F883 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)

C677 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)

C678 S. 236 modified by S.I. 1986/143, regs. 2(1), 3(1)
C679 S. 236 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

S. 236 applied (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)

C681 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)
C682 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)

C683 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)

C684 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

C685 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)

C686 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)

C687 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

C688 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)
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Local Government Act 1972 (c. 70)
Part XI – General Provisions as to Local Authorities

Document Generated: 2019-06-12
C713  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)
C714  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
C715  S. 236(8) extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 65(7)
C716  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)
C717  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)
C718  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)
C719  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)
C720  S. 236(11) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 5
C721  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)
C722  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)

[\textbf{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.]
Annotations:

Amendments (Textual)

F884 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)

Modifications etc. (not altering text)

C723 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)

Revocation of byelaws

(1) This section applies to—
   (a) a local authority;
   (b) the Greater London Authority;
   (c) Transport for London;
   (d) an Integrated Transport Authority for an integrated transport area in England;[
   (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—
   (a) in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;
   (b) in relation to any other byelaw, the Secretary of State.

(5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.

(6) The Welsh Ministers may, in relation to Wales, by order revoke any byelaw which appears to them to have become spent, obsolete or unnecessary.

(7) An order under this section may make—
   (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and
   (b) different provision for different areas, including different provision for different localities and for different authorities.

(8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

(9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
(10) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Welsh Ministers unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.

(11) Otherwise, a statutory instrument containing an order made by the Welsh Ministers under this section shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Annotations:

Amendments (Textual)

F885  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)
F886  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
F887  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)

Modifications etc. (not altering text)

C724  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 [F888 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.

Annotations:

Amendments (Textual)

F888  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)

Modifications etc. (not altering text)

C725  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)
C726  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
C727  S. 237 modified by S.I. 1986/143, regs. 2(1), 3(1)
C728  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).
C729  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.
C730  S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), 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)
C732 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)
C733 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)

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.

Annotations:

Amendments (Textual)
F889 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)

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—
(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—
   “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.

Annotations:

Amendments (Textual)
F890 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)
C734 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)

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).

Annotations:

Amendments (Textual)
F890 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)
C735 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.]

Annotations:

Amendments (Textual)
F890 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)
C736 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)

[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.

(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.]

Annotations:

Amendments (Textual)
F891 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)
C737 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)

[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).]
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.

(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.

Evidence of byelaws.

The production of a printed copy of a byelaw purporting to be made by a local authority [the Greater London Authority][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 bylaw 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 bylaw;

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.

Annotations:

Amendments (Textual)
F894 Words in s. 238 inserted (20.11.2001) by S.I. 2001/3719, art. 2, Sch. para. 4
F895 Comma and words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 31(2) (the inserted words being subsequently substituted as mentioned in note below)
F896 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)
C740 S. 238 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 5
C741 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)
C742 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)
C743 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)
C744 S. 238: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, Sch. 2
Miscellaneous provisions

239  **Power to promote or oppose local or personal Bills.**

(1) Subject to the provisions of this Act, where a local authority, other than a parish or community council, are satisfied that it is expedient to promote, or any local authority are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.

(2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—

(a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and

(b) in the case of the promotion of a Bill, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the Bill.

(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.

(4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority, an economic prosperity board, a combined authority, and a joint waste authority...

(5) No payment shall be made by an authority to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

Annotations:

Amendments (Textual)

F897 S. 239(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 32(1)
F898 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)
F899 Words in s. 239(4A) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 23; S.I 2008/917, {art. 2(1)(o)(p)}
F900 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
F901 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 32(2)

Modifications etc. (not altering text)

C755 S. 239 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 para. 12(b)
S. 239 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. 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
C756 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
C757 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 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 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 Statutory Orders (Special Procedure) Act 1945.

Annotations:

Modifications etc. (not altering text)

C758 S. 240 modified by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 4(4)(a), 79
C759 S. 240 amended (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
C760 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.
C761 S. 240(2) modified (10.01.1992) by S.I.1991/2913, art.8(2), Sch.2.
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.

Annotations:

Modifications etc. (not altering text)

C762 S. 241 extended by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 3(3), 79
S. 241 modified (28.7.1995) by 1990 c. 8, s. 2(6A) (as inserted (28.7.1995) by 1995 c. 25, s. 120(1), Sch. 22 para. 42 (with ss. 7(6), 115, 117); S.I. 1995/1983, art. 2)

242 Effect of inaccurate description.

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 rules under paragraph 18 or 34 of Schedule 12 to this Act and applies also to sections 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice of the poll and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.
(5) Subsection (4) above, so far as it relates to any such rules shall have effect subject to the provisions of those rules.

Annotations:

Amendments (Textual)

F902 Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 9 Pt. II
F903 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 33
F904 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
F905 Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), ss. 19(6)(a), 29
F906 Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 19(6)(a), 29, 28, 29, Sch. 5
F907 Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 9 Pt. II
F908 Words in s. 243(4) repealed (8.11.1995) by 1995 c. 44, s. 1(1), Sch. 1 Pt. VI

Modifications etc. (not altering text)

C763 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)
C764 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.

[244AApplication of this Part to London Fire and Emergency Planning Authority.

This Part shall have effect as if any reference to a joint authority included a reference to the London Fire and Emergency Planning Authority.]

Annotations:

Amendments (Textual)

F909 S. 244A inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 21 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(a)(b)
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.

(1A) Subsection (1)(b) above does not apply where the council are operating executive arrangements which involve a mayor and cabinet executive.

(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.

(4A) Where—

(a) a council are operating executive arrangements which involve a mayor and cabinet executive; 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.

(6) The council of a parish which is not grouped with any other parish may resolve that the parish shall have the status of a town and thereupon—

(a) the council of the parish 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 shall have the style of town meeting.
(7) A resolution under subsection (6) above shall cease to have effect if the parish to which it relates ceases to exist.

(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 council which has passed a resolution under subsection (6) above is dissolved without the parish ceasing to exist, the dissolution shall not affect the status of the parish 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 council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England may resolve that the parish 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.

(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.

Annotations:

Amendments (Textual)

F910 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)
F911 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
F912 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
F913 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
F914 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
F915 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
F916 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)
F917 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

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.

Annotations:

Amendments (Textual)

F918  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

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—
   (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.

Annotations:

Amendments (Textual)

F919 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)

C765 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 [F920 being powers which are not exercised pursuant to subsection (4) or (5) below by charter trustees], shall be exercisable on the coming into force of the charter by the council of the district in relation to the whole or any part of the district;

(b) provide that any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of any such city or borough [F921 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.

[F922(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;

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), (3) and any order applying subsection (3) made pursuant to subsection (5) above shall have effect subject to any provision made by a grant under Her Majesty’s prerogative or any provision of a charter granted by Her Majesty under section 245 above and any other provision of this Act or an instrument thereunder, and a charter under subsection (2) above shall have effect subject to any provision made by any such grant or any other provision of this Act or an instrument thereunder.

(7) .................

(8) If an area or part of an area for which charter trustees have been constituted under subsection (4) above becomes, or becomes comprised in, a parish or a separate community council is established for a community consisting of such an area, that subsection shall cease to apply to the area or part and accordingly the charter trustees shall cease to act therefor.
(9) Where charter trustees have been constituted for an area which is altered by an order under Part IV of this Act and [F926 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.

(12) Every cheque or other order for the payment of money by charter trustees shall be signed by two of them.

(13) Charter trustees shall keep such accounts as may be prescribed of their receipts and payments.

(14) Sections 15(5) and 34(5) above shall apply in relation to a city or town mayor holding office by virtue of this section as they apply to the chairman of a parish or community council.

(15) [F927 Section 168 above], except subsection (5), shall apply in relation to charter trustees as if the charter trustees were the council of a parish or community consisting of the area for which they act.

(16) Sections 173 to 178 above shall apply in relation to charter trustees as if the charter trustees were the members of the council of a parish or community consisting of the area for which they act.
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.

(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.

Annotations:

Amendments (Textual)

F928 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)


248 Freemen and inhabitants of existing boroughs.

(1) Subject to the following provisions of this section [F929 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 [F929 and Schedule 28A] any such place is referred to as a city or town.

(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.

(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 [F932 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 [F933 to the freedom] of a city or town, [F934 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, [F934 the person's] name shall be entered on the roll of [F935 persons admitted to the freedom] of that city or town.
(4) After 31st March 1974—
   (a) a 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 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 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.

(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.]

Annotations:

Amendments (Textual)

F929 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)
F930 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)
F931 S. 248(1D) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 28(2), 148(1)(d)
F932 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)
F933 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)
F934 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)
F935 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)
F936 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)
F937 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
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 [members] of the council.

(2) No honorary alderman or honorary alderwoman shall, while serving as a member of the council, be entitled to be addressed as alderman or alderwoman or to attend or take part in any civic ceremonies of the council as an alderman or 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 or 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.

(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.

(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.

Annotations:

Amendments (Textual)

F938 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)
F939 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)
F940 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)
F941 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)
F942 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)
F943 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)
F944 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)
F945 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)
F946 S. 249(4A) inserted (12.1.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 29(6), 148(1)(d)
F947 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)

C769 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
C770 S. 249(1) applied (with modifications)(11.3.1996) by S.I. 1996/330, arts. 1(2), 6(2)
C771 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)
C773 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, F948... 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 F949 level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.

(4) Where a Minister causes an inquiry to be held under this section, the costs incurred by him in relation to the inquiry F950... 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 Local Government Act 1929 or the Ferries (Acquisition by Local Authorities) Act 1919.
C787 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), s. 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. 1997/2095, 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 (prosp.) by Radioactive Substances Act 1960 (c. 34, SIF 8), s. 12B(3) (as inserted (prosp.) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, 164(3), Sch. 5 para. 12) and (the said Sch. 5 para. 12 was repealed (27.8.1993) by 1993 (c. 12), ss. 50, 51, Sch. 6 Pt. 1) (with s. 46)
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 (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 1998 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, and otherwise prosp.) 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(1)(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 and otherwise prosp.) 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 and otherwise prosp.) 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 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 (prosp.) by Adoption and Children Act 2002 (c. 38), ss. 17(4), 148 (which amending Act was repealed (7.6.2005) by Inquiries Act 2005 (c. 12), ss. 44(5), 48(1), 49(2), Sch. 2 Pt. 1 para. 23, Sch. 3; S.I. 2005/1432, art. 2
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)
C788 S. 250(2)-(5) extended (1.11.1996) by 1996 c. 56, ss. 507(2), 583(2) (with s. 1(4), Sch. 39)
C789 S. 250(2) modified (1.4.2004) by The Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), reg. 11
C790 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))

C791 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)

C792 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)

C793 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)}

C794 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

C795 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)

C796 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)

C797 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)

C798 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)


C800 S. 250(2)-(5) applied (with modifications) by 1949 c. 97, Sch. 1A paras. 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))

C801 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

C802 S. 250(2)-(5) applied (prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 70(3), 324(3) (with ss. 76-81, 111)

C803 S. 250(2)-(5) applied (prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 161, 324(3) (with ss. 172(3), 185)

C804 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)

C805 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)

C806 S. 250(2)-(5) 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)

C807 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)

C808 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)

C809 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)

C810 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)

C811 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)


C813 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)}
C836  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)

C837  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))

C838  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

C839  S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by

C840  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)

C841  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)

C842  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)

C843  S. 250(2)-(5) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), reg. 107(2)

C844  S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), ss. 113(9)(10), 241(8) (with s. 226; S.I. 2010/101, art. 3(d) (with art. 6)

C845  S. 250(5) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), ss. 95(4)(5), 241(8) (with s. 226; S.I. 2010/101, art. 3(d) (with art. 6)

C846  S. 250(2)-(5) applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 68

C847  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

C848  S. 250(5) applied (with modifications) by Mental Health Act 1983 (c. 20, SIF 85), s. 125(2), by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 43, Sch. 4 paras. 4(1), 16(2) and S.I. 1986/1858, reg. 2

C849  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

C850  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)

C851  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)

C852  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))

C853  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

C854  S. 250(2)-(5) applied (with modifications) (W.) (31.10.2007) by

C855  S. 250(2)-(5) applied (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 69 (with arts. 78, 80, 81)

C856  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)
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.

Annotations:

- Modifications etc. (not altering text)
  - C857 S. 252 extended by Value Added Tax Act 1983 (c. 55, SIF 40:2), ss. 50, 51, Sch. 10 para. 7 and by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 77, Sch. 1 para 6 and Building Act 1984 (c. 55, SIF 15), s. 132, Sch. 5 para. 3(d)

253 Transfer of powers of certain public bodies.

(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;

(e) without prejudice to paragraph (d) above, for dissolving any body corporate established by any Act passed or by any instrument under an Act made before 1st April 1974;

(f) for 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.

(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.
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, F952 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 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,
282

Local Government Act 1972 (c. 70)
Part XII – Miscellaneous and General

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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.

(2) Where this section applies to a person, then for the purposes of section 28 of the Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the 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.

Annotations:

Amendments (Textual)
F952 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)
257  Staff commission for England.

(1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.

(2) Regulations under this section may—

(a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,

(b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,

(c) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than the date of their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.
[F955(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 Public Health Act 1936;

(b) an existing local authority ceasing, as respects the whole or any part of their area, to be a food authority within the meaning of the Food Safety Act 1990;

[F957(c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act 1936—

[F958 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 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 Public Health Act 1936, . . . or, as the case may be, paragraph 2 of Schedule 3 to the 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, 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 one House of Parliament.

Annotations:

Amendments (Textual)
F955 S. 259(3) substituted by Local Government Act 1974 (c. 7), s. 39
F956 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)
F957 S. 259(3)(c) substituted by Food Act 1984 (c. 30, SIF 53:1), s. 134(a), Sch. 10 para. 23(b)
F958 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)
F959 Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 17(c) (with s. 54)

Marginal Citations
M108 1936 c. 49.
M109 1936 c.49(100:1).
M110 1969 c. 54.
M111 1936 c. 49.
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 Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid under section 259 above.

(6) In this section—
   “normal retiring age” means—
   (a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age, and
   (b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed;
   “reckonable service”, in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme; and
“relevant superannuation scheme”, in relation to any person, means the instrument which is applicable in the case of his office or employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that office or employment.

(7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Marginal Citations

M113 1972 c. 41.

261 Remuneration of employees of existing local authorities outside Greater London.

F960

Annotations:

Amendments (Textual)

F960 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 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;

(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,

(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 **M114** 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 **M115** Public Health Act 1848, the **M116** Local Government Act 1858, the **M117** Local Government (1858) Amendment Act 1861 or the **M118** 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 **M119** 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, . . . or district heating.

### Annotations:

#### Amendments (Textual)

F961 Word repealed by [Water Act 1973 (c. 37), Sch. 9](#)

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

C862 S. 262(9) restricted by [Cornwall County Council Act 1984 (c. xix), ss. 1, 54(4)](#)

### Marginal Citations

M114 1938 c. xci.
M115 1848 c. 63.
M116 1858 c. 98.
M117 1861 c. 61.
M118 1863 c. 17.
M119 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 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—
Local Government Act 1972 (c. 70)
Part XII – Miscellaneous and General

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(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 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;
(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.

Annotations:

Modifications etc. (not altering text)

C863 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

C864 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

C865 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

C866 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

C867 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

C868 S. 263(3)-(8) applied (with modifications) (29.12.2007) by The Maryport Harbour Revision Order 2007 (S.I. 2007/3463), art. 57 (with arts. 78, 80, 81)

Marginal Citations

M120 1936 c. 49.

Annotations:

Amendments (Textual)

F962 S. 264 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

265 Application of Act to Isles of Scilly.

(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.

(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.

Annotations:

Modifications etc. (not altering text)
C869 S. 265 extended by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 34(2)

[F963]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, 94 to 98, 99 and 100;
   (c) sections 101 to 106;
   (d) sections 111 to 119;
   (e) sections 120 to 123 and 128 to 131;
   (f) sections 135, 136, 139, 140, 140A, 140C, 143 and 144;
   [F964] (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.]

Annotations:

Amendments (Textual)
F963 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)
F964 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
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.

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.

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.

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—

“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 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; \[F968\]“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;

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;\[F970\]

“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 \[F971\] 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;\[F972\]

“elected mayor” has 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;

“executive”, “executive arrangements” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000;\[F973\]

“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;

“joint authority” means an authority established by Part IV of the Local Government Act 1985;\[F974\]

“land” includes any interest in land and any easement or right in, to or over land; \[F975\]“joint waste authority” means an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;\[F976\]

“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);]

“leader and cabinet executive (England)” has the same meaning as in Part 2 of the Local Government Act 2000;

“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, a district council, a London borough council or a parish; 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) 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;

“mayor and cabinet executive” have 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 including one established by virtue of any provision of the Local Government (Wales) Act 1994;

“1933 Act” means the Local Government Act 1933;

“1963 Act” means the London Government Act 1963;

“open space” has the meaning assigned to it by section 336(1) of the Town and Country Planning Act 1990;

“prescribed” means prescribed by regulations made by the Secretary of State;

“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 non-metropolitan county, a district or a London borough but, in relation to Wales, means a county or county borough;

“principal council” means a council elected for a principal area;

“public body” includes—

(a) a local authority and a joint board on which, and a joint committee on which, a local authority or parish meeting are represented;

(b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place; and

(c) any other authority having powers of levying or issuing a precept for any rate for public purposes;

and “district” means, in relation to a public body other than a local authority, the area for which the public body acts;
“specified papers”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith; “the Temples” means the Inner Temple and the Middle Temple; “Welsh Commission” has the meaning assigned to it by section 53 above.

(2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “non-metropolitan county” means any county other than a metropolitan county, and the expression “non-metropolitan district” means any district other than a metropolitan district.

(3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.

(4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—

(a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough;

(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.

[4A Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive... 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.

Annotations:

Amendments (Textual)

F967 Words in s. 270(1) repealed (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), ss. 34(7)(c), 178(2), Sch. 4 Pt. B

F968 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)

F969 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(e)

F970 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

F971 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 16 para. 8(a)

F972 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)

F973 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)

F974 Definition inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 34
271 Savings.

(1) **1993** . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

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F975 S. 270(1): definition of "joint waste authority" inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, Sch. 13 para. 24; S.I 2008/917, [art. 2(1)(o)(p)]

F976 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)

F977 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)

F978 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)

F979 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17


F982 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)

F983 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))

F984 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.

F985 Words inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), Sch. 23 para. 20

F986 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 28(3)

F987 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))

F988 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 16 para. 8(b)


F990 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]

F991 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)

F992 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)**

C870 S. 270 applied (11.9.1998) by 1998 c. 18, ss. 53(2), 55(2)

**Marginal Citations**

M121 1933 c. 51.

M122 1963 c. 33.
(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.

Annotations:

Amendments (Textual)
F993 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 Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under section 252, 254, 255, 259, or 262 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

Annotations:

Marginal Citations
M123 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);
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.
Annotations:

Amendments (Textual)

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) this Act shall not extend to Scotland.

(3) , this Act shall not extend to Northern Ireland.

Annotations:

Amendments (Textual)

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}

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
SCHEDULE 1

COUNTIES AND METROPOLITAN DISTRICTS IN ENGLAND

Annotations:

Modifications etc. (not altering text)

C871 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

#### Local Government Act 1972 (c. 70)

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<table>
<thead>
<tr>
<th>Name of county</th>
<th>Area by reference to existing administrative area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Manchester</td>
<td></td>
</tr>
<tr>
<td>Eccles</td>
<td>Eccles is a borough of Salford. In the administrative county of Lancashire, the boroughs of Salford and Bury, and the urban districts of Eccles and Wigan.</td>
</tr>
<tr>
<td>Warrington</td>
<td>The county borough of Warrington. In the administrative county of Cheshire, the boroughs of Warrington, Northwich, and Neston.</td>
</tr>
<tr>
<td>Widnes</td>
<td>The borough of Widnes in the county of Merseyside. In the administrative county of Cheshire, the boroughs of Warrington, Northwich, and Neston.</td>
</tr>
<tr>
<td>Stockport</td>
<td>The county town of Stockport. In the administrative county of Cheshire, the boroughs of Stockport and Tameside.</td>
</tr>
<tr>
<td>Macclesfield</td>
<td>The county borough of Macclesfield. In the administrative county of Cheshire, the boroughs of Stockport and Tameside.</td>
</tr>
<tr>
<td>Nantwich</td>
<td>The county borough of Nantwich. In the administrative county of Cheshire, the boroughs of Stockport and Tameside.</td>
</tr>
<tr>
<td>Macclesfield</td>
<td>The county borough of Macclesfield. In the administrative county of Cheshire, the boroughs of Stockport and Tameside.</td>
</tr>
<tr>
<td>Sandbach</td>
<td>The civil parish of Sandbach in the county of Cheshire. In the administrative county of Cheshire.</td>
</tr>
<tr>
<td>Northwich</td>
<td>The borough of Northwich in the county of Cheshire. In the administrative county of Cheshire.</td>
</tr>
<tr>
<td>Neston</td>
<td>The borough of Neston in the county of Cheshire. In the administrative county of Cheshire.</td>
</tr>
<tr>
<td>Warrington</td>
<td>The county borough of Warrington. In the administrative county of Cheshire, the boroughs of Warrington, Northwich, and Neston.</td>
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</tr>
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<td>The borough of Northwich in the county of Cheshire. In the administrative county of Cheshire.</td>
</tr>
<tr>
<td>Neston</td>
<td>The borough of Neston in the county of Cheshire. In the administrative county of Cheshire.</td>
</tr>
</tbody>
</table>
Scarcely

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<table>
<thead>
<tr>
<th>Name of county</th>
<th>Area by reference to existing administrative areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Yorkshire</td>
<td>The county borough of Bradford. In the administrative county of Yorkshire, West Riding, the urban districts of Batley, Brighouse, Huddersfield, Kirklees, Oldham, Rochdale, Salford, Stockport, Tameside, Wakefield, and Wigan. The non-metropolitan district of Dewsbury.</td>
</tr>
<tr>
<td>West Midlands</td>
<td>The county borough of Coventry. In the administrative county of Warwickshire, in the districts of Alvechurch, Baginton, Bedworth, Chanceford, Cubbington, Fenny Drayton, Kenilworth, Leamington Spa, Nuneaton, Rugby, Upper Gornall, and Warwick.</td>
</tr>
</tbody>
</table>

Part II

Non-Metropolitan Counties

<table>
<thead>
<tr>
<th>Name of county</th>
<th>Area by reference to existing administrative areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Yorkshire</td>
<td>The county borough of Leeds. In the administrative county of Yorkshire, West Riding, the urban districts of Batley, Dewsbury, Kirklees, Morley, Pudsey, and Wakefield.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Name of county</th>
<th>Note to reference to county administrative area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avon</td>
<td>Boroughs: Bath, Bristol, Gloucester, Mendip, St. George’s, Swindon, Wiltshire</td>
</tr>
<tr>
<td>Bedford</td>
<td>Boroughs: Bedford, Kettering, Luton</td>
</tr>
<tr>
<td>Berkshire</td>
<td>Boroughs: Reading, Slough, Windsor</td>
</tr>
<tr>
<td>Cambridgeshire</td>
<td>Boroughs: Cambridge, Huntingdon, Peterborough, St. Ives</td>
</tr>
<tr>
<td>Cheshire</td>
<td>Boroughs: Chester, Congleton, Macclesfield, Nantwich, Neston, Northwich, Wirral</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Boroughs: Middlesbrough, Redcar, Stockton-on-Tees, Teesside, Whitby</td>
</tr>
<tr>
<td>Lancashire</td>
<td>Boroughs: Blackburn, Blackpool, Burnley, Lancaster, Preston, Wigan</td>
</tr>
<tr>
<td>Worcestershire</td>
<td>Boroughs: Dudley, Malvern, Redditch, Worcester</td>
</tr>
<tr>
<td>Staffordshire</td>
<td>Boroughs: Burton-on-Trent, Stafford, Tamworth, Uttoxeter</td>
</tr>
<tr>
<td>West Midlands</td>
<td>Boroughs: Birmingham, Dudley, Sandwell, Solihull, Walsall, Wolverhampton</td>
</tr>
<tr>
<td>Worcestershire</td>
<td>Boroughs: Bridgnorth, Kidderminster, Malvern, Worcester</td>
</tr>
</tbody>
</table>
## SCHEDULE 1 – Counties and Metropolitan Districts in England

### Local Government Act 1972 (c. 70)

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<table>
<thead>
<tr>
<th>Name of county</th>
<th>Area by reference to existing administrative areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hampshire</td>
<td>手掌County boundaries around Portsmouth and Southampton. The administrative county of Hampshire, except the area in Dorset.</td>
</tr>
<tr>
<td>Hertford and Stevenage</td>
<td>The county borough of Stevenage. The administrative county of Hertfordshire. The administrative county of Northamptonshire, except the borough in Northampton.</td>
</tr>
<tr>
<td>Kent</td>
<td>The county borough of Medway. The administrative county of Kent.</td>
</tr>
<tr>
<td>London</td>
<td>The county borough of London. The administrative county of Greater London.</td>
</tr>
<tr>
<td>Lincoln</td>
<td>The county borough of Lincoln. The administrative county of Lincolnshire.</td>
</tr>
<tr>
<td>Lincolnshire</td>
<td>The county borough of Lincoln. The administrative county of Lincolnshire.</td>
</tr>
<tr>
<td>North Yorkshire</td>
<td>The county borough of York. The administrative county of North Yorkshire. The administrative county of Cleveland and Yorkshire.</td>
</tr>
<tr>
<td>Northumberland</td>
<td>The county borough of Newcastle upon Tyne. The administrative county of Northumberland.</td>
</tr>
<tr>
<td>Nottinghamshire</td>
<td>The county borough of Nottingham. The administrative county of Nottinghamshire.</td>
</tr>
</tbody>
</table>

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*Area by reference to existing administrative areas.*
### 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 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.

### Annotations:

### Marginal Citations

M124 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.
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 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.

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.

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.

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.

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.

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.

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

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;
(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.

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.

Paragraphs 1 to 3 above shall not prevent any existing rural parish from continuing to exist as such until 1st April 1974.
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

CONSTITUTION AND MEMBERSHIP OF GREATER LONDON COUNCIL AND LONDON BOROUGH COUNCILS

PART I

Constitution

1 F997(1) ............................................

(2) For every London borough there shall be a council consisting of the mayor and councilors 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.
SCHEDULE 2 – Constitution and Membership of Greater London Council and London Borough Councils

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)
F997 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 mayor of a London borough shall be elected annually by the council from among the councillors.

(2) The mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as mayor.

(3) During his term of office the mayor shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(4) a London borough council may pay the mayor, such allowance as the council think reasonable for the purpose of enabling the 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.

Annotations:

Amendments (Textual)
F998 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 mayor shall be the first business transacted at the annual meeting of a London borough council.

(2) If, apart from paragraph 2(3) above, 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.

Annotations:

Amendments (Textual)
F999 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
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.

[F1001 Modifications of preceding provisions]

Annotations:

Amendments (Textual)
F1001 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)

F1002 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.”

Annotations:

Amendments (Textual)
F1002 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)

F1003 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.

Annotations:

Amendments (Textual)
F1003 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)

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.

Annotations:

Amendments (Textual)
F1004 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)
F1005 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)
C872 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(c); S.I. 2012/628, art. 2(a))

F1006 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”.

Annotations:

Amendments (Textual)
F1006 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)

F1007 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.

Annotations:

Amendments (Textual)
F1007 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)

F1008 5F Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to “mayor” there were substituted “chairman”.

Annotations:
Annotations:

Amendments (Textual)

F1008 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)

F1009 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.

Annotations:

Amendments (Textual)

F1009 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)

F1010 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.”

Annotations:

Amendments (Textual)

F1010 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)

F1011 5I Paragraphs 5(4) above shall have effect as if for the expression “deputy mayor” there were substituted “vice-chairman”.

Annotations:

Amendments (Textual)

F1011 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) London borough councillors shall be elected by the local government electors for the borough, in accordance with this Act and Part I of the Representation of the People Act 1983.

(2) The ordinary election of London borough councillors shall take place in 1974 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 such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.

Electoral divisions and wards

7 (1) Subject to the following provisions of this paragraph, for the purposes of the election of councillors—

(a) every London borough shall be divided into wards, each returning such number of councillors as is specified in any order made under Part II of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007; and there shall be a separate election for each ward.

(2) Until provision is made as mentioned in sub-paragraph (1)(b) above by an 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.
Annotations:

Amendments (Textual)
F1017 Sch. 2 para. 7(1)(a) and words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F1018 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
F1019 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)
F1020 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)
F1021 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)
F1022 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
F1023 8

Annotations:

Amendments (Textual)
F1023 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

F1024 9–14

Annotations:

Amendments (Textual)
F1024 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

**Annotations:**

**Amendments (Textual)**

F1025 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.

(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

**Annotations:**

**Amendments (Textual)**

F1026 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}

5

**Annotations:**

**Amendments (Textual)**

F1027 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 of this Act, Part II of the Local Government Act 1992 or Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007 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 \[^{F1032}\] of this Act, Part II of the Local Government Act 1992 or \[^{F1035}\] Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007\[^{F1034}\] 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;

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 \[^{F1032}\] of this Act, Part II of the Local Government Act 1992 or \[^{F1035}\] Part 1 or 4 of the Local Government and Public Involvement in Health Act 2007\[^{F1034}\] or Part 3 of the Local Democracy, Economic Development and Construction Act 2009.
Qualification for membership of local authority

Suspension of elections

1. No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972.

2. 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.

3. 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) \[F1041\] ................................................
   (c) \[F1041\] ................................................

(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) \[F1042\] ................................................
   (c) \[F1042\] ................................................

(11) \[F1043\] ................................................

(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) \[F1044\] ................................................
   (c) \[F1044\] ................................................

(13) \[F1045\] ................................................

(14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.

Annotations:

Amendments (Textual)

F1038 Words in Sch. 3 para. 12(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1039 Sch. 3 para. 12(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1040 Sch. 3 para. 12(4)-(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1041 Sch. 3 para. 12(9)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1042 Sch. 3 para. 12(10)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1043 Sch. 3 para. 12(11) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {Sch. 1 Pt. 10 Group 1}
F1044 Sch. 3 para. 12(12)(b)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(I), {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) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(5) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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.

Annotations:

Amendments (Textual)
F1046 Sch. 3 para. 13(13) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}
falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.

Annual meetings

15

Annotations:

Amendments (Textual)
F1047 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

Annotations:

Amendments (Textual)
F1048 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

Annotations:

Amendments (Textual)
F1049 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—

(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.
§PART I

COUNTIES

Annotations:

Amendments (Textual)

\textit{F1050} 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))

<table>
<thead>
<tr>
<th>Name</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglesey Sir Fôn</td>
<td>The district of Ynys Môn Isle of Anglesey.</td>
</tr>
<tr>
<td>Caernarfonshire and Merionethshire Sir Gaernarfon a Meirionnydd</td>
<td>The districts of Arfon, Dwyfor, and Meirionnydd.</td>
</tr>
<tr>
<td>Cardiff Caerdydd</td>
<td>The district of Cardiff, together with (from the district of Taff-Ely) the community of Pentyrch.</td>
</tr>
<tr>
<td>Cardiganshire Sir Aberteifi</td>
<td>The district of Ceredigion.</td>
</tr>
<tr>
<td>Carmarthenshire Sir Gaerfyrrddin</td>
<td>The districts of Carmarthen, Llanelli and Dinefwr.</td>
</tr>
<tr>
<td>Flintshire Sir y Fflint</td>
<td>The districts of Alyn and Deeside and Delyn.</td>
</tr>
<tr>
<td>Monmouthshire Sir Fynwy</td>
<td>The district of Monmouth together with (from the district of Blaenau Gwent) the community of Llanell.</td>
</tr>
<tr>
<td>Pembrokeshire Sir Benfro</td>
<td>The districts of Preseli Pembrokeshire and South Pembrokeshire, together with Caldey Island and St Margaret’s Island.</td>
</tr>
</tbody>
</table>
**PART I**

**COUNTY BOROUGHS**

**Annotations:**

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1051 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))</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberconwy and Colwyn Aberconwy a Cholwyn</td>
<td>The districts of Aberconwy and Colwyn, but excluding (from the district of Colwyn) the communities of Cefnmeiriadog and Trefnant.</td>
</tr>
<tr>
<td>Blaenau Gwent Blaenau Gwent</td>
<td>The district of Blaenau Gwent (excluding the community of Llanelly).</td>
</tr>
<tr>
<td>Bridgend Pen-y-bont ar Ogwr</td>
<td>The district of Ogwr, but excluding the communities of Wick, St Bride’s Major and Ewenny.</td>
</tr>
<tr>
<td>Caerphilly Caerffili</td>
<td>The districts of Islwyn and Rhymney Valley.</td>
</tr>
<tr>
<td>Merthyr Tydfil Merthyr Tudful</td>
<td>The district of Merthyr Tydfil.</td>
</tr>
<tr>
<td>Neath and Port Talbot Castell-nedd a Phort Talbot</td>
<td>The districts of Neath and Port Talbot, together with (from the district of Lliw Valley) the communities of Pontardawe, Gwaun-Cae-Gurwen, Cwmllynfell, Ystalyfera and Cilybebyll.</td>
</tr>
<tr>
<td>Newport Casnewydd</td>
<td>The district of Newport.</td>
</tr>
<tr>
<td>Rhondda, Cynon, Taff Rhondda, Cynon, Taf</td>
<td>The districts of Rhondda, Cynon Valley, and Taff-Ely, but excluding (from the district of Taff-Ely) the community of Pentyrch.</td>
</tr>
<tr>
<td>Torfaen Tor-faen</td>
<td>The district of Torfaen.</td>
</tr>
<tr>
<td>The Vale of Glamorgan Bro Morgannwg</td>
<td>The district of Vale of Glamorgan, together with (from the district of Ogwr) the</td>
</tr>
</tbody>
</table>
communities of Wick, St Bride’s Major and Ewenny.

Wrexham Wrecsam

The district of Wrexham Maelor, together with (from the district of Glyndwr) the communities of Chirk, Glyntraian, Llansantffraid Glyn Ceiriog, and Ceiriog Ucha.

1

[^1052] PART III
THE PRESERVED COUNTIES AND THEIR AREAS

Annotations:

Amendments (Textual)

[F1052] 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))

<table>
<thead>
<tr>
<th>Name</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clwyd</td>
<td>The county of Clwyd, but excluding the communities of Llanrhaeadr-yMochnant, Llansilin and Llangedwyn.</td>
</tr>
<tr>
<td>Dyfed</td>
<td>The county of Dyfed.</td>
</tr>
<tr>
<td>Gwent</td>
<td>The county of Gwent.</td>
</tr>
<tr>
<td>Gwynedd</td>
<td>The county of Gwynedd.</td>
</tr>
<tr>
<td>Mid Glamorgan Morgannwg Ganol</td>
<td>The county of Mid Glamorgan, but excluding the communities of Wick, St Bride’s Major, Ewenny and Pentyrch.</td>
</tr>
<tr>
<td>Powys</td>
<td>The county of Powys with the addition of the communities of Llanrhaeadr-yMochnant, Llansilin and Llangedwyn from the county of Clwyd.</td>
</tr>
<tr>
<td>South Glamorgan De Morgannwg</td>
<td>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.</td>
</tr>
<tr>
<td>West Glamorgan Gorllewin Morgannwg</td>
<td>The county of West Glamorgan.</td>
</tr>
</tbody>
</table>
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.

(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.

Annotations:

Amendments (Textual)

F1058 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))

F1059 First elections of new councils

Annotations:

Amendments (Textual)

F1059 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))

F1060 Declarations of acceptance of office

Annotations:

Amendments (Textual)

F1060 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. I(1), {Sch. 1 Pt. 10 Group 1}

F1061 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))

F1062 Sch. 5 paras. 3-10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. I(1), {Sch. 1 Pt. 10 Group 1}
First meetings of new principal councils

Annotations:

Amendments (Textual)
F1063 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))

Annotations:

Amendments (Textual)
F1064 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}

Annotations:

Amendments (Textual)
F1065 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}

Annotations:

Amendments (Textual)
F1066 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

Annotations:

Amendments (Textual)
F1067 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))

Annotations:

Amendments (Textual)
F1068 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}
Suspension of elections

Amendments (Textual)
F1069 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))

Annotations:

Suspension of elections

Amendments (Textual)
F1070 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}

Annotations:

Appropriate transition committee

Amendments (Textual)
F1071 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))

Annotations:

Qualification for membership of local authority

Suspension of elections

Annual meetings

Supplemental
SCHEDULE 6

Annotations:

Amendments (Textual)

F1073 Sch. 6 repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 9 Pt. II

SCHEDULE 7

Annotations:

Amendments (Textual)

F1074 Sch. 7 repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), Sch. 4 Pt. II; S.I. 1992/2371, art.2

SCHEDULE 8

Section 53.

CONSTITUTION AND PROCEEDINGS OF THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

1 (1) The Commission shall be a body corporate consisting of a chairman, a deputy chairman and not more than three other members.

(2) At least one of the members of the Commission shall be a person able to speak the Welsh language.

(3) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with the terms of their respective appointments.

(4) The common seal of the Commission shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.

2 There shall be paid to each member of the Commission such salary or fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

3 (1) The Secretary of State may appoint, to assist and advise the Commission in the exercise of the Commission’s functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to the Commission.

(2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.
4 At any meeting of the Commission two shall be the quorum.

5 All acts done at a meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of the Commission, be as valid as if the defect had not existed.

6 Subject to the preceding provisions of this Schedule and to the provisions of, and of any regulations made or directions given under, Part IV of this Act, the procedure of the Commission at and in connection with their meetings shall be such as they may from time to time determine.

Officers and servants, remuneration and expenses

7 (1) The Secretary of State may appoint a secretary to the Commission and such other officers and servants of the Commission as he may, with the approval of the Minister for the Civil Service, determine.

(2) Before appointing a person to be a secretary to the Commission, the Secretary of State shall consult with the Commission.

(3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

8 The expenses of the Commission including—
   (a) the salaries, fees and allowances of its members,
   (b) the remuneration and any expenses paid to an assistant commissioner, [F1075]
   (c) the remuneration and any expenses paid to the secretary and other officers and servants of the Commission. [F1076]
   (d) ..........................................................

F1077 together with the fees and allowances paid to persons appointed under paragraph 3 above, shall be defrayed out of moneys provided by [F1078]the National Assembly for Wales.

Annotations:

Amendments (Textual)

F1075 Word in Sch. 8 para. 8(b) added (1.10.1995) by 1994 c. 19, s. 66(5), Sch. 15 para. 59(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5, Sch. 3

F1076 Word in Sch. 8 para. 8(c) repealed (1.10.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 59(b), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5, Sch. 3

F1077 Sch. 8 para. 8(d) repealed (1.10.1995) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 59(b), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/2490, art. 5, Sch. 3

F1078 Words in Sch. 8 para. 8 substituted (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

Proof of documents

9 (1) Every document purporting to be an instrument made or issued by the Commission and to be duly sealed with the seal of the Commission or to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence and, unless
the contrary is proved, shall be deemed to be an instrument made or issued by the Commission.

(2) Prima facie evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of the Commission to be a true copy of the instrument.

F1079 SCHEDULE 9

Annotations:

Amendments (Textual)

F1079 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

F1080 SCHEDULE 10

Annotations:

Amendments (Textual)

F1080 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

SCHEDULE 11

Section 78.

RULES TO BE OBSERVED IN CONSIDERING ELECTORAL ARRANGEMENTS

Annotations:

Modifications etc. (not altering text)

C874 Sch. 11 applied (6.3.1992) by Local Government Act 1992 (c. 19), s. 27(2)

Counties

1

F1081
Annotations:

Amendments (Textual)

F1081 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)

F1082 Welsh counties and county boroughs

Amendments (Textual)

F1082 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))

1A) This paragraph applies to the consideration by the Secretary of State or the Welsh Commission of the electoral arrangements for elections of councillors for principal areas in Wales.

(2) Subject to any direction under sub-paragraph (3) below, the Welsh Commission shall, when considering the arrangements for elections of councillors for any principal area in Wales, provide for there to be a single member for each electoral division.

(3) The Secretary of State may give a direction to the Welsh Commission requiring it to consider the desirability of providing for multi-member electoral divisions for the area to which the direction relates (which may be the whole or a specified part of a principal area in Wales).

(4) For the purposes of this paragraph, an electoral division is a multi-member division if the arrangements made for the elections of councillors provide for a specified number of councillors (greater than one) to be elected for that division.

(5) Having regard to any change in the number or distribution of the local government electors of the principal area likely to take place within the period of five years immediately following the consideration—

(a) subject to paragraph (b), the number of local government electors shall be, as nearly as may be, the same in every electoral division in the principal area;

(b) where there are one or more multi-member divisions, the ratio of the number of local government electors to the number of councillors to be elected shall be, as nearly as may be, the same in every electoral division in the principal area (including any that are not multi-member divisions);

(c) every ward of a community having a community council (whether separate or common) shall lie wholly within a single electoral division; and

(d) every community which is not divided into community wards shall lie wholly within a single electoral division.

(6) Subject to sub-paragraph (5) above, in considering the electoral arrangements referred to in sub-paragraph (1) above, regard shall be had to—

(a) the desirability of fixing boundaries which are and will remain easily identifiable; and

(b) any local ties which would be broken by the fixing of any particular boundary.]
This paragraph applies to the consideration 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 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.
PART I

PRINCIPAL COUNCILS

Annotations:

Modifications etc. (not altering text)
C880 Sch. 12 Pt.I applied (07.08.1991) by S.I.1991/1773, arts. 6, 8, Sch. 1.
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (07.08.1991) by S.I.1991/1773, arts. 6, 8, Sch.1.
C881 Sch. 12 Pt.I applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
C882 Sch. 12 Pt. I 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

1 (1) A principal council shall in every year hold an annual meeting.

(2) The annual meeting of a principal council...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;

[ F1091 (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.

F1092 (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.

Annotations:

Amendments (Textual)
F1090 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F1091 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
F1092 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)
C883 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)
C884 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.
(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 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 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.

(1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.

(2) Three clear days at least before a meeting of a principal council——

(a) notice of the time and place of the intended meeting shall be published at the council’s offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business to be transacted thereat, and signed by the proper officer of the council, shall, subject to 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 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 summonses relating thereto.
Annotations:

Modifications etc. (not altering text)

C887 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)
C888 Sch. 12 para. 4(2) excluded by Local Government Act 1985 (c. 51, SIF 81:1), s. 86(9)
C889 Sch. 12 para. 4(2) restricted by S.I. 1985/1884, art. 11(3)

[F1094 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) the vice-chairman of the council, if present, shall preside;

(b) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor 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, both the chairman and vice-chairman of the council are absent from a meeting of the council;

(b) 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.

(F1101) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

(F1102) 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 . . .

Annotations:

Amendments (Textual)

F1095 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F1096 Sch. 12 para. 5(2)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
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.

Annotations:

Modifications etc. (not altering text)

C890 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)

| PART IA |

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

Annotations:

Amendments (Textual)

F1102 Sch. 12 Pt. IA inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 35(2)

[1] Paragraph 1 above applies to a joint authority or a combined authority as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.

Annotations:

Amendments (Textual)

F1103 Sch. 12 para. 6A substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 10(3)

F1104 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)

F1105 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)

F1106 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)

F1107 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
Local Government Act 1972 (c. 70)
SCHEDULE 12 – Meetings and Proceedings of Local Authorities

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)
C892 Sch. 12 para. 6A amended by S.I. 1985/1884, arts. 10, 11(3), Sch. 3 para. 1(p)
C893 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)
C894 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 shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that
\[\text{\textit{F1108}}(a)\]
the number of members mentioned in paragraph 3(2) shall be three,
\[\text{\textit{F1109}}(b)\]
\[\text{\textit{F1110}}(c)\]

Annotations:

Amendments (Textual)
F1108 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.
F1109 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)
F1110 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)
C895 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.

Annotations:

Modifications etc. (not altering text)
C896 Sch. 12 para. 7(2) modified (25.5.2001 with effect for the year 2001) by S.I. 2001/1630, art. 3
(2) Those other meetings shall be held at such hour and on such days as the council may determine.

9 (1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.

10 (1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises 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 of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.

(3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

Annotations:

Amendments (Textual)

F1111 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)

Modifications etc. (not altering text)

C897 Sch. 12 para. 10 applied (4.3.1996) by S.I. 1996/263, reg. 8(5)

C898 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.
Local Government Act 1972 (c. 70)
SCHEDULE 12 – Meetings and Proceedings of Local Authorities

12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

13 (1) Unless otherwise provided by the council’s standing orders the manner of voting at meetings of a parish council shall be by a show of hands.

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

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 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.
(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 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.

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.

16 (1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.

(2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.

(3) If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

18 (1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.

(2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.

(3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.

(4) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding
(5) A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under \[\text{section } 36\] of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.

(6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

**Annotations:**

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Section</th>
<th>Amendment</th>
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<tr>
<td>F1113</td>
<td>Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 14</td>
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19  (1) Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

20  (1) Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.

(2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

21  (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determined.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

22  If any person, in a poll consequent on a parish meeting—

(a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or

(b) without due authority supplies a ballot paper to any person; or
(c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
(d) fraudulently takes out of the polling station any ballot paper; or
(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.

Annotations:

Modifications etc. (not altering text)

C901 Sch. 12 para. 23(2) modified (25.5.2001 with effect for the year 2001) by S.I. 2001/1630, art. 4

24 (1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.

(2) Any of those other meetings shall be held at such hour and on such day as the council may determine.

25 (1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
(1) Meetings of the community council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises 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 fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
   (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.

(3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.

27 (1) At a meeting of a community council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

28 Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

29 (1) Unless otherwise provided by the council’s standing orders the manner of voting at meetings of a community council shall be by a show of hands.

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

**PART V**

**COMMUNITY MEETINGS**

30 (1) A community meeting may be convened at any time—
Local Government Act 1972 (c. 70)

SCHEDULE 12 – Meetings and Proceedings of Local Authorities

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(a) in a case where there is a community council, by the chairman of the council or by any two councillors representing the community on the council, and

(b) in any case, by any six local government electors for the community.

\[F1115\] (2) Except in a case falling within sub-paragraph (3) below, public notice of any community meeting shall be given not less than 7 clear days before the meeting.

(3) Where any business proposed to be transacted at a community meeting relates to any of the matters mentioned in section 29B(4) of this Act, 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 a community meeting shall be given—

(a) by posting a notice of the meeting in some conspicuous place or places in the community, and

(b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

Annotations:

Amendments (Textual)

F1115 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

31 The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.

32 (1) The proceedings at a community meeting shall not commence earlier than 6 o’clock in the evening.

(2) A community meeting shall not be held in premises 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.

Annotations:

Amendments (Textual)

F1116 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.

(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.

(5) A poll consequent on a community meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to elections of community councillors under section 42 above and of the enactments mentioned in section 165(1) of the 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.

Annotations:

Marginal Citations
M126 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 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.
Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.

(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a community meeting on such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

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.

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

Annotations:

Modifications etc. (not altering text)
C902 Sch. 12 Pt. VI applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1.
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, Sch.1.

C903 Sch. 12 Pt. VI applied (07.08.1991) by S.I.1991/1773, art. 6, 8, Sch. 1.
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (07.08.1991) by S.I.1991/1773, arts. 6, 8, Sch. 1.

C904 Sch. 12 Pt. VI (paras. 39–45) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 1(7), 23(2), 27(2), Sch. 1 para. 4(8)
The names of the members present at a meeting of a local authority shall be recorded.
41. 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 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 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.

(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.

Annotations:

Amendments (Textual)
F1118 Words in Sch. 12 paras. 41(1)(2) substituted (8.5.1992) by Local Government and Housing Act 1989
c. 42, s. 194(1), Sch. 1 para. 30; S.I. 1992/760, art.2.
F1119 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. 1 para. 30; S.I. 1992/760, art.2.

Modifications etc. (not altering text)
C910 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)
C915 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)
8(5), 9(7)
C917 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.
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.

(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.
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.

In this Part of this Schedule “local authority” includes a joint authority and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.

Annotations:

Amendments (Textual)

F1120 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)

F1121 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)

F1122 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)

C926 Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), Sch. 3 para. 1(p)

C927 Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), Sch. 1 para. 3(o)

Annotations:

Amendments (Textual)

F1123 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)

C928 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

C929 Sch. 12A applied (with modifications) (8.5.2008) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), reg. 8(6)
PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

Annotations:

Modifications etc. (not altering text)
C930 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.

Annotations:

Modifications etc. (not altering text)
C264 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)
C931 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)
C932 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)
C933 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.

Annotations:

Modifications etc. (not altering text)
C264 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)
C934 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)
C935 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)
C936 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).

Annotations:

Modifications etc. (not altering text)
C264 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)
C937 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)
C938 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)
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.

Annotations:

Modifications etc. (not altering text)

C264 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(c)

C940 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)

C941 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)

C942 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.

Annotations:

Modifications etc. (not altering text)

C264 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)

C943 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)

C944 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)

C945 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.

Annotations:

Modifications etc. (not altering text)

C264 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)

C946 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)

C947 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)

C948 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.

Annotations:

Modifications etc. (not altering text)
C264 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)
C949 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)
C950 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)
C951 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(e)

PART 2
QUALIFICATIONS: ENGLAND

Annotations:

Modifications etc. (not altering text)
C952 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) [F1124the Companies Acts (as defined in section 2 of the Companies Act 2006)]F1125;  
(b) the Friendly Societies Act 1974 F1126;  
(c) the Friendly Societies Act 1992 F1127;  
(d) the Industrial and Provident Societies Acts 1965 to 1978 F1128;  
(e) the Building Societies Act 1986 F1129; or  
(f) the Charities Act 2011.]

Annotations:

Amendments (Textual)
F1124 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
F1125 1985 c. 6.  
F1126 1974 c. 46.  
F1127 1992 c. 40.  
F1128 1965 c. 12, 1967 c. 48, 1975 c. 41 and 1978 c. 34.  
F1129 1986 c. 53.  
F1130 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)
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 F1131.

Annotations:

Amendments (Textual)

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.

Annotations:


PART 3

INTERPRETATION: ENGLAND

Annotations:

Modifications etc. (not altering text)

C962 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;
“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 (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, 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.
**PART 4**

DESCRIPTORS OF EXEMPT INFORMATION: WALES

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.
PART 5
QUALIFICATIONS: WALES

Annotations:

Amendments (Textual)

Modifications etc. (not altering text)
C967 Sch. 12A Pt. 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) the Companies Acts (as defined in section 2 of the Companies Act 2006),
(b) the Friendly Societies Act 1974,
(c) the Friendly Societies Act 1992,
(d) the Industrial and Provident Societies Acts 1965 to 1978;
(e) the Building Societies Act 1986; or
(f) the Charities Act 2011.

Annotations:

Amendments (Textual)
F1136 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}
F1137 1985 c. 6.
F1138 1974 c. 46.
F1140 1965 c. 12, 1967 c. 48, 1975 c. 41 and 1978 c. 34.
F1141 1986 c. 53.
F1142 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)

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.

Annotations:

Amendments (Textual)
(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.]

[F1144 PART 6

INTERPRETATION: WALES

Annotations:

Amendments (Textual)


Modifications etc. (not altering text)

C968 Sch. 12A Pt. 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 (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, 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 —
   (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.]

PART 4

DESCRIPTIONS OF EXEMPT INFORMATION: WALES

PART 5

QUALIFICATIONS: WALES

PART 6

INTERPRETATION: WALES

[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.)

Appropriate sum under section 137(4)

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.
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.

(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 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 Statistics Board.

(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 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.
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.

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.

An order under paragraph 4 above may make different provision in relation to local authorities of different descriptions.

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
LOANS AND OTHER FINANCIAL PROVISIONS

PART I

Annotations:

Amendments (Textual)
F1163 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

Annotations:

Amendments (Textual)
F1164 Sch. 13 para. 23 repealed by S.I. 1990/776, art. 3, Sch. 1

The Rural Water Supplies and Sewerage Act 1944
Annotations:

Amendments (Textual)
F1165 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 F1166 ........................

Annotations:

Amendments (Textual)

Annotations:

Amendments (Textual)
F1167 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.

F1168 27 ........................

Annotations:

Amendments (Textual)
F1168 Sch. 13 para. 27 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

The M127 General Rate Act 1967

Annotations:

Marginal Citations
M127 1967 c. 9.

28 (1) The M128 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”;

Annotations:

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

M128 1967 c. 9.

29 (1) Sections 88, 89 and 91 of the said Act of 1967 shall have effect subject to the following provisions of this paragraph.

(2) It shall be the duty of every new county council to make and submit to the Secretary of State not later than a date prescribed for the purposes of this sub-paragraph a scheme for the constitution of a local valuation panel for the county or two or more local valuation panels for areas which together comprise the whole of the county.

(3) A county council may discharge the said duty by making and submitting to the Secretary of State a joint scheme with one or more other county councils for the constitution of a local valuation panel or local valuation panels for the whole of 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

AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

PART I

THE PUBLIC HEALTH ACT 1936

Annotations:
Marginal Citations
M129 1936 c. 49.

For section 1 there shall be substituted the following section—

“1 (1) Subject to the provisions of this Act with respect to certain special authorities, districts and areas, it shall be the duty of the following authorities to carry this Act into execution, that is to say—

(a) in a county, the county council as respects certain matters and the district councils as respects all other matters, without prejudice, however, to the exercise by a parish or community council of any powers conferred upon such councils;

(b) in a London borough, the borough council;

(c) in the City of London, the Common Council; and

(d) in the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer thereof respectively.”
### Annotations:

#### 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 | [F1169] . . . . . . . . . . . . . . . . . . . . . . . . . |

### Annotations:

#### Amendments (Textual)

- **F1169** 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 [F1170] . . . [F1171]79, 80, [F1172] . . . 263 and 264 shall apply throughout the district of every local authority. |

#### Amendments (Textual)

- **F1170** “41, 46,” repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), Sch. 7
- **F1171** Words repealed (prosp.) by Control of Pollution Act 1974 (c. 40), s. 109(2), Sch. 4
- **F1172** Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. III

| F1173 | 5–7 . . . . . . . . . . . . . . . . . . . . . . . . . |

| F1174 | 8 . . . . . . . . . . . . . . . . . . . . . . . . . |

### Annotations:

#### Amendments (Textual)

- **F1173** Sch. 14 paras. 5–7 repealed by Control of Pollution Act 1974 (c. 40), s. 109(2), Sch. 4

| F1174 | 8 . . . . . . . . . . . . . . . . . . . . . . . . . |

### Annotations:

#### Amendments (Textual)

- **F1174** Sch. 14 para. 8 repealed by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 109(2), Sch. 4

879 | (1) For sections 87(1) and (2) there shall be substituted the following subsections:—

   “(1) A county council, the Greater London Council, a local authority or a parish or community council may, subject to subsection (2) of this section, provide sanitary conveniences in proper and convenient situations.

   (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”.

**Annotations:**

**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. |

| F1175 | Annotation not provided. |

| Annotations: |

| Amendments (Textual) |

| F1175 Sch. 14 para. 10 repealed by Building Act 1984 (c. 55, SIF 15), s. 133(2), Sch. 7 |

| F1176 | Annotation not provided. |

| Annotations: |

| Amendments (Textual) |

| F1176 Sch. 14 para. 11 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. III |

| F1177 | Annotation not provided. |

| Annotations: |

| Amendments (Textual) |

| F1177 Sch. 14 para. 12 repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. III |

| F1178 | Annotation not provided. |

| Annotations: |

| Amendments (Textual) |

| F1178 Sch. 14 paras. 13, 14 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), ss. 78, 79, Sch. 3 |

| F1179 | Annotation not provided. |
The powers conferred by Part VIII on local authorities within the meaning of the 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.

Any reference in section 278 to a local authority shall include a reference to a county council.

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.”.
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 Public Health Act 1875 as incorporates the provisions of the 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;

(c) sections 21, 82, 83 of the Public Health Acts Amendment Act 1907; and

(d) sections 17 to 19 and 76 of the 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.

(1) Subject to [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 [M135]Public Health Act 1875;
(b) ..............................
(c) section 82, 83 [F1188] of the [M136]Public Health Acts Amendment Act 1907; or
(d) section 76 of the [M137]Public Health Act 1925;
must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.

(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) ..............................

(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) .............................. be a date specified therein, being not earlier than one month after the date of the resolution; ..............................
(b) ..............................

(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.

Annotations:

Amendments (Textual)
F1186 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))
F1187 Sch. 14 paras. 25(2)(h), 26(h) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. 1
F1188 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
F1189 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))
26 The following enactments shall not extend to Greater London, that is to say—

(a) sections 160 and 171 of the Public Health Act 1875;

(b) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(c) sections 21 and 80 of the Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the Town Police Clauses Act 1847;

(d) sections 17 to 19, 75 and 76 of the Public Health Act 1925.

Annotations:

Amendments (Textual)
F1192 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. 1

Marginal Citations
M138 1875 c. 55.
M139 1907 c. 53.
M140 1847 c. 89.
M141 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 Public Health Act 1875;

(b) section 44 of the Public Health Acts Amendment Act 1890;

(c) Part VI of the Public Health Acts Amendment Act 1907, as amended by Part VI of the Public Health Act 1925.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Marginal Citations
M142 1875 c. 55.
M143 1890 c. 59.
M144 1907 c. 53.
M145 1925 c. 71.

28 A district council 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 Public Health Act 1875 in a case where it overhangs a highway; or
(b) exercise any power under section 40 or 42 of the Public Health Acts Amendment Act 1890 or section 14 or 75 of the Public Health Act 1925 in relation to a highway.

Annotations:

Amendments (Textual)
F1193 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), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

Marginal Citations
M146 1875 c. 55.
M147 1890 c. 59.
M148 1925 c. 71.

29 A highway authority who are not a local authority within the meaning of the 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.

Annotations:

Marginal Citations
M149 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 London Government Act 1963, be construed as a reference to the Greater London Council alone.

Annotations:

Marginal Citations
M150 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 Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.
Local Government Act 1972 (c. 70)

SCHEDULE 14 – Amendment and Modification of Public Health Acts, Etc.

Document Generated: 2019-06-12

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Marginal Citations
M151 1907 c. 53.

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.

Annotations:

Amendments (Textual)
F1194 Sch. 14 para. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

The M152 Parish Councils Act 1957

Annotations:

Marginal Citations
M152 1957 c. 42.

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 ”.

Annotations:

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 M153 Public Health Act 1961

Annotations:

Marginal Citations
M153 1961 c. 64.
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.

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.

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.


**M154 The Local Government Act 1966**

Annotations:

Marginal Citations
M154 1966 c. 42.

Annotations:

Amendments (Textual)
F1200 Sch. 14 para. 44 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

Annotations:

Amendments (Textual)
F1201 Sch. 14 para. 45 repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, Sch. 2

Annotations:

Amendments (Textual)
F1202 Sch. 14 paras. 46, 47 repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

Annotations:

Amendments (Textual)
F1203 Sch. 14 paras. 17, 48 repealed by National Health Service Reorganisation Act 1973 (c. 32), Sch. 5

**M155 The Deposit of Poisonous Waste Act 1972**

Annotations:

Marginal Citations
M155 1972 c. 21.

X1649 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”.
Annotations:

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.

SCHEDULE 15

Annotations:

Amendments (Textual)

F1204 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

TOWN AND COUNTRY PLANNING ACT 1971

Annotations:

Marginal Citations

M158 1971 c. 78.

Structure and local plans

F1206 1–3

Annotations:

Amendments (Textual)

F1206 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

F1207 4–47
Annotations:

Amendments (Textual)
F1207 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

F1208 48 .......................... .......................... .......................... ..........................

Annotations:

Amendments (Textual)
F1208 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

F1209 49–53 .......................... .......................... ..........................

Annotations:

Amendments (Textual)
F1209 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

F1209 54 .......................... ..........................

Annotations:

Amendments (Textual)
F1210 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[^159] Land Compensation Act 1961

Annotations:

Marginal Citations
M159 1961 c. 33.

55 (1) [^1211] In England, elsewhere] than in Greater London [^1212] 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 M160 Land Compensation Act 1961 shall—
(a) in the case of an application specifying only a description of development which appears, or 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.

(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 description which appears to the former not to relate to a county matter 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 description which appears to the former to relate to a county matter 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 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 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 paragraph 1 of Schedule 1 to the Town and Country Planning Act 1990].

Annotations:

Amendments (Textual)

F1211 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), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F1212 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 2, 3(5)

F1213 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))

F1214 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))

F1215 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.

F1216 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))

F1217 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

F1218 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))

F1219 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 28(5)
SCHEDULE 17 – Functions with Respect to National Parks and the Countryside

PART I

FUNCTIONS WITH RESPECT TO NATIONAL PARKS AND THE COUNTRYSIDE

Annotations:

Amendments (Textual)
F1223 Sch. 17 Pt. 1 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.
PART II

SURVEY OF PUBLIC PATHS, ETC.

F1256

22.

Annotations:

Amendments (Textual)
F1256 Sch. 17 paras. 22–33 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), Sch. 17 Pt. II

24 Where on any such survey of any area under section 27 of the 1949 Act a draft map and statement has, but a provisional map and statement has not, been published before 1st April 1974, the county council may if they think fit take no further steps in relation to the draft map and statement and instead prepare a new draft map and statement for that area under that section and that section and sections 28 and 29 of that Act (survey information, and representations and objections) shall apply to the new review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

F1257

28

Annotations:

Amendments (Textual)
F1257 Sch. 17 para. 28 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 73, Sch. 17 Pt. II

29 Where in consequence of any survey, review, further review or special review begun under any of the provisions mentioned in paragraph 22 above two or more definitive maps and statements are prepared whether before or after 1st April 1974
for different parts of a new county, the county council shall not take any further steps under those provisions in relation to those maps and statements until all such maps and statements have been prepared for the whole of their area (less any part of it excluded by paragraph 27 above).

30

Where all such maps and statements have been prepared for the whole of that area, the county council shall at one and the same time review the particulars contained in each of those maps and statements; and accordingly section 33 of the 1949 Act and Parts II to IV of Schedule 3 to the 1968 Act (periodical revision of maps and statements) shall apply as if the relevant date for the purposes of each of those maps and statements were the earliest of the relevant dates specified therein or such later date as, on the application of the county council, the Secretary of State may in any particular case direct.

31

Where the Secretary of State gives a direction under this Part of this Schedule, he shall take such steps as he thinks appropriate for bringing it to the notice of persons who may be affected by it.

32

Section 28(3) of the 1949 Act shall not apply to Wales and in that subsection the word “rural” shall be omitted and for the words “representative body of the parish or a member of that body” there shall be substituted the words “chairman of the parish meeting or any person representing the parish on the district council”.

33

In this Part of this Schedule any reference to a definitive map and statement includes a reference to a revised map and statement prepared in definitive form.

PART III

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

Annotations:

Amendments (Textual)

F1258 Sch. 17 para. 35 repealed (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 102, Sch. 16 Pt. 1; S.I. 2001/114, art. 2(2)(k); S.I. 2001/1410, art. 2(m)

F1259
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).

The functions of a local planning authority under section 67, 68, 81 or 82 of the 1949 Act or section 20 of the 1968 Act (supplementary provisions as to access to land) in relation to land which is the subject of an access agreement or order under Part V of the 1949 Act, and the functions of such an authority under section 70 of the 1949 Act in relation to such land and any land held therewith, shall be functions of the authority by whom the agreement or order was made or, where such an order was made by a Minister of the Crown, of the county planning authority, and in those sections, in their application to such land, references to a local planning authority shall be construed accordingly.
Annotations:

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.

SCHEDULE 18

AMENDMENTS OF TOWN DEVELOPMENT ACT 1952

Annotations:

Amendments (Textual)

F1261 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

M164 1952 c. 54.

F1262

Annotations:

Amendments (Textual)

F1262 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 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”.

Annotations:

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 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”.

Annotations:

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 In section 8(1), . . . in paragraph (c) for the words “county borough” in each place where they occur, there shall be substituted the word “district”.

Annotations:

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.

Amendments (Textual)
F1263 Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. XIV

X16 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”.

Annotations:

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 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”.

Annotations:

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

AMENDMENTS OF ENACTMENTS RELATING TO ROAD TRAFFIC AND ABANDONED VEHICLES

PART I

THE ROAD TRAFFIC ACT 1972

Annotations:

Marginal Citations
M165 1972 c. 20.

1. In section 31(7), for the words “county borough or county district” there shall be substituted the word “ county ”.

Annotations:

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.

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 ”.

Annotations:

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.

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.

Annotations:

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.

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 “.
Annotations:

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 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”.

Annotations:

Editorial Information

X23 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.

Annotations:

Amendments (Textual)

F1264 Sch. 19 Pt. II (paras. 7–32) repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

PART II

F1265 Sch. 19 Pt. III (paras. 33–36) repealed by Refuse Disposal (Amenity) Act 1978 (c. 3, SIF 100:3), s. 12, Sch. 2

PART III
F1266 SCHEDULE 20

Annotations:

Amendments (Textual)
F1266 Sch. 20 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25

SCHEDULE 21

AMENDMENTS OF ENACTMENTS RELATING TO HIGHWAYS

PART I

F1267 1–95  

Annotations:

Amendments (Textual)
F1267 Sch. 21 paras. 1–95 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25

PART II

OTHER ENACTMENTS

F1268 96  

Annotations:

Amendments (Textual)
F1268 Sch. 21 para. 96 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. X

X24g7 At the end of section 57(3) of the 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 “.

Annotations:

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
M166 1949 c. 97.
Local Government Act 1972 (c. 70)
SCHEDULE 22 — ..................................................

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:
Amendments (Textual)
F1269 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.

Annotations:
Amendments (Textual)
F1270 Sch. 21 paras. 99, 100 repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(3), Sch. 25

Annotations:
Amendments (Textual)
F1271 Sch. 22 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

SCHEDULE 22

Annotations:
Amendments (Textual)
F1272 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 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) . . . 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, 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) 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 “the council which is the local authority for the purposes of the Local Authority Social Services Act 1970”.

(7) In section 35(2) of that Act, the words from the beginning to “this Act”, in the first place where those words occur, shall be omitted.

(8) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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”.

(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.”

Annotations:

Amendments (Textual)
F1273 Words repealed by Housing (Homeless Persons) Act 1977 (c. 48, SIF 61), s. 20(4), Sch.
F1274 Words repealed (prosp.) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), Sch. 10
F1275 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
F1276 Sch. 23 para. 2(8) repealed by Residential Homes Act 1980 (c. 7, SIF 81:1), s. 11(5), Sch. 2
F1277 Sch. 23 para. 2(9) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. X Op. 1.
F1278 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
M167 1948 c. 29.

Annotations:

Amendments (Textual)
F1279 Sch. 23 para. 3 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

Annotations:

Amendments (Textual)
F1280 Sch. 23 para. 4 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(2), Sch. 15 art.3(2)

Annotations:

Amendments (Textual)
F1281 Sch. 23 para. 5 repealed by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, Sch. 16

(1) In section 3 of the Disabled Persons (Employment) Act 1958, in subsection (1), for the words “shall have power under this section to” there shall be substituted the words “may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the authority’s area shall” and the words from “and in relation to” to the end of the subsection shall be omitted in subsection (3) of that section the words from the beginning to “made thereunder” shall be omitted; and in subsection (5) of that section for the words “or of a county
“borough” there shall be substituted the words “other than a metropolitan county, or of a metropolitan district or London borough or the Common Council of the City of London.”

(2) In the Schedule, in paragraph 1(1)(c), for the words “thirty-two and thirty-four” there shall be substituted the words “and 32” and in paragraph 1(2) the words “thirty-four” shall be omitted.

Annotations:

Marginal Citations
M168 1958 c. 33.

Annotations:

Amendments (Textual)
F1282 Sch. 23 para. 7 repealed by Foster Children Act 1980 (c. 6), s. 23(3), Sch. 3

Annotations:

Amendments (Textual)
F1283 Sch. 23 para. 8 repealed by Adoption Act 1976 (c. 36, SIF 49:11), s. 73(3), Sch. 4

(1) In the Mental Health Act 1959, in sections 8(1), . . . for the words “local health authorities” there shall be substituted the words “local social services authorities”.]

(2) In sections . . . 131, . . . and 142 of that Act for the words “local health authority” there shall be substituted the words “local social services authority”.

Annotations:

Amendments (Textual)
F1284 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
F1285 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6
F1286 Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6
F1287 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)
F1288 Sch. 23 para. 9(4)–(6) repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 6

Marginal Citations
M169 1959 c. 72.
## Annotations:

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<td>F1289</td>
<td>Sch. 23 para. 10 repealed by <em>Domestic Proceedings and Magistrates' Courts Act 1978</em> (c. 22, SIF 49:3), s. 89(2), Sch. 3</td>
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<td>F1290</td>
<td>Sch. 23 para. 11 repealed (22.7.2004) by <em>Statute Law (Repeals) Act 2004</em> (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}</td>
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<td>Sch. 23 para. 12 repealed by <em>Health and Social Services and Social Security Adjudications Act 1983</em> (c. 41, SIF 113:3), s. 30, Sch. 10</td>
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<td>F1292</td>
<td>Sch. 23 para. 13 repealed by <em>Matrimonial Causes Act 1973</em> (c. 18), Sch. 3</td>
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<td>F1293</td>
<td>Sch. 23 para. 14 repealed by <em>Supplementary Benefits Act 1976</em> (c. 71, SIF 113:1), s. 35(3), Sch. 8</td>
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<td>15 F1294</td>
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<td>(1)</td>
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| (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”.

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| (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”.

### Annotations:

### Amendments (Textual)

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<td>F1294</td>
<td>Sch. 23 para. 15(1)(2) repealed by <em>National Health Service Act 1977</em> (c. 49, SIF 113:2), s. 129, Sch. 16</td>
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</table>
16 In section 70(1) of the 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”.

Annotations:

Marginal Citations
M170 1969 c. 54.

SCHEDULE 24

AMENDMENTS OF TRANSPORT ACT 1968, PART II

Annotations:

Marginal Citations
M171 1968 c. 73.

PART I

AMENDMENTS OF GENERAL APPLICATION

Annotations:

Amendments (Textual)
F1295 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}

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.”
Local Government Act 1972 (c. 70)
SCHEDULE 24 – Amendments of Transport Act 1968, Part II
Document Generated: 2019-06-12

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

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.

F1296 Sch. 24 para. 3 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, Sch. 6 Pt. IV

X27 After section 15 there shall be inserted the following section:—

“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.”

Annotations:

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.
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”.

Annotations:

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.

X29 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”.

Annotations:

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 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”.

Annotations:

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

F12979–17 ..........................
SCHEDULE 25

AMENDMENTS OF LICENSING ENACTMENTS

PART I

AMENDMENTS OF LICENSING ACT 1964

Annotations:

Marginal Citations

1 F1298 .....................................................

Annotations:

Amendments (Textual)
F1298 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)

F1299 .....................................................

Annotations:

Amendments (Textual)
F1299 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 F1300 .....................................................

Annotations:

Amendments (Textual)
F1300 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 F1301 .....................................................
Annotations:

Amendments (Textual)

F1301 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)

F1302

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F1306

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Annotations:

Amendments (Textual)

F1302 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)

F1303 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)

F1304 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))

F1305

F1306
PART II

Annotations:

Amendments (Textual)
F1307 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

CEMETERIES AND CREMATORIA

Discharge of functions of burial authorities

In relation to a cemetery or crematorium maintained immediately before 1st April 1974 by a burial board, joint burial board or committee which ceases to exist by virtue of section 214 above the functions conferred by the said section 214 and this Schedule shall, subject to the provisions of any order made under section 254 above, be exercised on and after that date by whichever of the following burial authorities is relevant:—

(a) where the area of the board or committee becomes wholly comprised on that date in a parish or community having a parish or community council, whether separate or common, that council;

(b) where that area becomes comprised in two or more such parishes or communities, the councils of those parishes or communities, acting jointly;

(c) where that area becomes wholly comprised in a parish not having a parish council, the parish meeting of the parish;

(d) where that area becomes wholly comprised in two or more parishes not having parish councils, the parish meetings for those parishes acting jointly;

(e) where that area becomes wholly comprised in two or more parishes of which one or more have, and one or more have not, parish councils, the parish council or councils and the parish meeting or meetings of the parish or parishes not having parish councils, acting jointly;

(f) where that area becomes wholly comprised in a community not having a community council or in two or more such communities, the council of the district in which that community or those communities become comprised or, where they become comprised in different districts, the councils of those districts acting jointly;

(g) where that area becomes wholly comprised in two or more communities of which one or more have, and one or more have not, community councils, 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 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.

3 Section 6 of the 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 Cremation Acts 1902 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.

4 Where in pursuance of paragraph 2 above two or more burial authorities make arrangements under Part VI of this Act for the discharge of their functions by a joint committee, and if any of those authorities wish, and one or more of the others do not wish, to alter the arrangements, the arrangements may be changed or ended—

(a) where those authorities are the councils of parishes or groups of parishes situated in the same district, by the council of that district;

(b) in any other case, by the Secretary of State.
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.

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.

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 or Welsh principal council, the committee may represent the case to the council of the district 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.

The district council 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 or (as the case may be) principal area.
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 of the 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.

Annotations:

Amendments (Textual)

F1314 Words repealed by S.I. 1974/595

Marginal Citations

M177 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 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.

[F1315(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.

Annotations:

Amendments (Textual)

F1315 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

F1316 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

F1317 12, 13. 18–23 repealed by S.I. 1974/628
Until the first order under section 214(3) above takes effect, the 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.

Annotations:

Marginal Citations
M178 1847 c. 65.

Saving, amendments and modifications of enactments

Section 214(1) above shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section 2 of the 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 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.

Annotations:

Marginal Citations
M179 1853 c. 134.
M180 1855 c. 128.
M181 1852 c. 85.

In section 1 of the 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”.

Annotations:
Assignations:

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
M182 1859 c. 1. (22 Vict.).

In Part III of Schedule 5 to the 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.

Annotations:

Marginal Citations
M183 1875 c. 55.

F1318

23

Annotations:

Amendments (Textual)
F1318 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 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.

Annotations:

Modifications etc. (not altering text)
C976 Sch. 26 para. 24 extended by S.I. 1977/293, art. 5(2)

Marginal Citations
M184 1902 c. 8.

25 A burial authority within the meaning of section 214 above shall also be a burial authority for the purposes of... the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.
SCHEDULE 27

Annotations:

Amendments (Textual)
F1319 Words repealed by S.I. 1974/628

Marginal Citations
M185 1970 c. 29.

SCHEDULE 27

F1320

Annotations:

Amendments (Textual)
F1320 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

F1321 2–4

Annotations:

Amendments (Textual)
F1321 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

F1322 5–10

Annotations:

Amendments (Textual)
F1322 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

F1323 11

Annotations:

Amendments (Textual)
F1323 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

F1324 12–15

Annotations:

Amendments (Textual)
F1324 Sch. 27 paras. 1, 5–10, 12–15 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3
## SCHEDULE 28

### Annotations:

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SCHEDULE 28A – Amendment of laws relating to freedoms of cities and towns

Annotations:

Amendments (Textual)
F1330 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;

“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,
changes to legislation: there are outstanding changes not yet made by the legislation.gov.uk editorial team to local government act 1972. any changes that have already been made by the team appear in the content and are referenced with annotations. (see end of document for details)

(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.

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—
(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.]
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.

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.

Annotations:

Amendments (Textual)

F1331 Sch. 29 para. 7 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), Sch. 6 Pt. IV (with saving in S.I. 1983/249, reg. 2)

8 The foregoing provisions of this Schedule shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act.

PART II

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 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) F1332

Annotations:

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.
Amendments

Amendments (Textual)
F1332 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
M186 1908 c. 36.

10 (1) F1333

(2) In section 12(1) and in section 17 of that Act, for the word “county” there shall be substituted the word “district”.

Annotations:

Amendments (Textual)
F1333 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}

Ancient monuments

Annotations:

Amendments (Textual)
F1335 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

Annotations:

Amendments (Textual)
F1336 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 Caravan Sites and Control of Development Act 1960 for the words “rural district council”, wherever occurring there shall be substituted the words “district council”.

Annotations:

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

M187 1960 c. 62.

Celluloid and cinematograph film

X35 15 In section 9 of the 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”.

Annotations:

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

M188 1922 c. 35.

Children and young persons

16 F1337

Annotations:

Amendments (Textual)

F1337 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 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”.
Local Government Act 1972 (c. 70)
SCHEDULE 29 – Adaptation, Modification and Amendment of Enactments

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(2) \( \text{F1338} \) ..................................................

Annotations:

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.

Amendments (Textual)
F1338 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
M189 1949 c. 74.

Consumer protection

(1) \( \text{F1339} \) ..................................................

(2) \( \text{F1340} \) ..................................................

Annotations:

Amendments (Textual)
F1339 Sch. 29 para. 18(1) repealed by Consumer Protection Act 1987 (c. 43, SIF 109), s. 48(3), Sch. 5
F1340 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 Explosives Act 1875 for paragraph (3) there,\( \text{M190} \) shall be substituted the following:—

“(3) Outside Greater London, the council of a county; and”

and paragraph (5) of that section shall be omitted.

Annotations:

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
M190 1875 c. 17.

Gas

20\( \text{F1341} \) (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.

[F1342](3) Sub-paragraph (2) above does not apply in relation to Wales.]
(1) In section 2 of the 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)(c) 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”.

Annotations:

Modifications etc. (not altering text)

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

M191 1916 c. 13.

23

F1344 Sch. 27 paras. 24, 25 repealed by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 117(3), Sch. 8
Land registration

Annotations:

Amendments (Textual)
F1345 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

Annotations:

Amendments (Textual)
F1346 Sch. 29 para. 27 repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

At the end of section 25 of the 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.”

Annotations:

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.

Marginal Citations
M193 1969 c. 10.

Nurses agencies

Annotations:

Amendments (Textual)
F1347 Sch. 27 para. 29 repealed by New Towns Act 1981 (c. 64, SIF 123:3), s. 81, Sch. 13
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.”]

Annotations:

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.

Amendments (Textual)
F1348 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
M194 1957 c. 16.

Offices, shops and railway premises

X4031 In section 88 of the M195 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”.

Annotations:

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
M195 1963 c. 41.

Petroleum spirit

X4132 In section 2(1)(c) of the M196 Petroleum (Consolidation) Act 1928 for the words “the district council” there shall be substituted the words “the county council”.

Annotations:

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
M196 1928 c. 32.
Pharmacy and poisons

Annotations:

Amendments (Textual)

F1349 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 M197 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”.

Annotations:

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

M197 1967 c. 8.

Police

F1350

Annotations:

Amendments (Textual)

F1350 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}

Post and telegraph offices

F1351

Annotations:

Amendments (Textual)

F1351 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)
Annotations:

Amendments (Textual)

F1352 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

F1353 Sch. 29 para. 38

Annotations:

Amendments (Textual)

F1353 Sch. 29 para. 38 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt x Gp. 1.

F1354 Sch. 27 para. 39 repealed by Pastoral Measure 1983 (No. 1, SIF 21:4), s. 39, Sch. 9

Registration services

X41 40 In section 57(4) of the M198 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”.

Annotations:

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

M198 1949 c. 76.

X44 41 (1) In sections 5(1), 10(1) and 13(1) of the M199 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) F1355
(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”.

Annotations:

Riding establishments

In section 6(4) of the 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.

Annotations:

Shops
Social services

(1) In sections 47(12) of the National Assistance Act 1948, for the words “county boroughs and county districts” there shall be substituted the words “districts and London boroughs and the Common Council of the City of London”.

(2) In section 46(4) of the London Government Act 1963 for the words “county borough” there shall be substituted the words “London borough”.

(3) In section 5(6) of the 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”.

Annotations:

Editorial Information

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.

Amendments (Textual)

F1356 Sch. 29 para. 43 repealed (1.12.1994) by 1994 c. 40, s. 81, Sch. 17; S.I. 1994/3037, arts. 2, 3(c)(iv)

Marginal Citations

M201 1948 c. 29.
M202 1963 c. 33.
M203 1970 c. 42.

Annotations:

Amendments (Textual)

F1357 Words repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3
F1358 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))

Annotations:

Amendments (Textual)

F1359 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)

Marginal Citations

F1360 46
Annotations:

Amendments (Textual)
F1360 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

Annotations:

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.
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### Schedule 30 – Repeals

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<td>25 &amp; 26 Geo. 3 c. 40</td>
<td>The Mines Health Act 1906</td>
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<td>2 Geo. 5 &amp; 1 Geo. 6 c. 59</td>
<td>The Bank Ruins Act 1902</td>
<td>In section 29(6), the words &quot;in the case of a bank ... shall be determined under the Bank and Brokerage Act 1902&quot;); in the second place where the words &quot;shall be determined under the Bank and Brokerage Act 1902); in the second place where the word &quot;bank&quot; is used; and secondly in the Schedule where the word &quot;bank&quot; is used.</td>
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<td>3 &amp; 2 Geo. 5 &amp; 6 c. 59</td>
<td>The Architectural Remuneration Act 1915</td>
<td>In section 1, subsection (2) and (3) and in subsection (4) for words &quot;three out of the nine members of the Committee&quot;, substitute &quot;four out of the nine members of the Committee&quot;.</td>
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<td>3 &amp; 2 Geo. 5 &amp; 6 c. 59</td>
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<td>For the words &quot;the last described paragraph&quot; substitute &quot;the last paragraph described in paragraph (a) of the definition of &quot;industrial injury&quot; in Schedule 5 to the Young Persons (Employment) Act 1931&quot;.</td>
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### Schedule 30 – Repeals

**Local Government Act 1972** (c. 70)

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### Additional Information

- The changes to legislation are comprehensive and cover various aspects of the Local Government Act 1972. For detailed information, please refer to the full text available on legislation.gov.uk.
- The editorial team has made amendments to the Act which are reflected in the document.
- For further details, consult the end of the document for specific annotations and references.
### Repeals

#### Local Government Act 1972 (c. 70)

**Schedule 30 – Repeals**

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<td>The Representation of the People Act 2000</td>
<td>Section 2(2) of the Act is replaced by and read as follows: “Where in subsection (1) of section 2, or in subsections (2) and (3) of section 2, the word “elector” is used, it shall be read as meaning “voter” in place of “elector”. “Voter” means a person provided for in the Representation of the People Act 2000 (as applied to the Channel Islands) who is entitled to vote in an election.”</td>
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### Local Government Act 1972 (c. 70)

**SCHEDULE 30 – Repeals**

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<td>The National Parks and Access to the Countryside Act 1949-50 &amp; 1968-69</td>
<td>In section 11(3), the words “under power conferred” in paragraph 19, the words “an article of personal property” in paragraph 19(2), and in paragraph 19(3) the word “under” is omitted. In section 12, the word “under” is omitted. Schedule 1. In section 45, the words “under power conferred” in paragraph 15(1), and in paragraph 15(2) the word “under” is omitted. Schedule 2.</td>
</tr>
<tr>
<td>16 &amp; 17</td>
<td>The Public Utilities (Miscellaneous Provisions) Act 1964</td>
<td>In section 2(3), the words “in the terms of the conditions of the licence” in paragraph 17 are omitted. In section 2(10), the words “in the terms of the conditions of the licence” in paragraph 16 are omitted.</td>
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<tr>
<td>18 &amp; 19</td>
<td>The National Parks and Access to the Countryside Act 1949-50</td>
<td>In section 27 of the Act of 1949-50, the words “under” are omitted. In section 27 of the Act of 1968-69, the words “under” are omitted.</td>
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<td>The National Parks and Access to the Countryside Act 1949-50</td>
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<td>The National Parks and Access to the Countryside Act 1949-50</td>
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<td>The National Parks and Access to the Countryside Act 1949-50</td>
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</tr>
<tr>
<td>7 &amp; 8 S.S.I. 2. 1978</td>
<td>The Open Cast Coal Act 1978</td>
<td>Where in section 1(1) of the said Act the word “Local Government Corporation” is inserted, the word “Local” shall be substituted for the word “a” and (in the case of a Local Government Corporation formed of two or more Local Government Districts) the word “Districts of” shall be inserted.</td>
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<td>7 &amp; 8 S.S.I. 2. 1978 &amp; 22.</td>
<td>The County Courts Act 1980</td>
<td>Where in section 1(1) of the said Act the word “Local Government Corporation” is inserted, the word “Local” shall be substituted for the word “a” and (in the case of a Local Government Corporation formed of two or more Local Government Districts) the word “Districts of” shall be inserted.</td>
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<td>7 &amp; 8 S.S.I. 2. 1978 &amp; 22.</td>
<td>The Highways Act 1980</td>
<td>In section 1(2)(b), in paragraph 40 and in the words “the word “Local” shall be substituted for the word “a” and (in the case of a Local Government Corporation formed of two or more Local Government Districts) the word “Districts of” shall be inserted.</td>
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<td>7 &amp; 8 S.S.I. 2. 1978 &amp; 22.</td>
<td>The Planning and Development Act 1988</td>
<td>Where in section 82(3) the word “Local Government Corporation” is inserted, the word “Local” shall be substituted for the word “a” and (in the case of a Local Government Corporation formed of two or more Local Government Districts) the word “Districts of” shall be inserted.</td>
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<td>7 &amp; 8 S.S.I. 2. 1978 &amp; 22.</td>
<td>The Civic Centres Act 1988</td>
<td>Where in section 1(1) of the said Act the word “Local Government Corporation” is inserted, the word “Local” shall be substituted for the word “a” and (in the case of a Local Government Corporation formed of two or more Local Government Districts) the word “Districts of” shall be inserted.</td>
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### Local Government Act 1972 (c. 70)

#### SCHEDULE 30 – Repeals

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**Local Government Act 1972 (c. 70)**

**SCHEDULE 30 – Repeals**

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</table>
| 439     | The Highways Act 1980—cont. | `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`. In section 2, the words `entry road` and `access road` are inserted after the word `entry road` in the definition of `enclosure`.
| 440     | The Town and Country Planning Act 1990 | In section 7, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`. In section 9, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`.
| 450     | The Mental Health Act 1983 | In section 7, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`. In section 9, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`.
| 460     | The Road Traffic Act 1988 | In section 7, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`. In section 9, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`.
| 470     | The Radiation Substances Act 1990 | In section 7, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`. In section 9, the words `entry road`, `access road`, `interchange`, and `interversion` are inserted after the word `entry road` in the definition of `enclosure`.

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### Schedule 30 – Repeals

**Local Government Act 1972 (c. 70)**

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<td>9 and 10 s. 2</td>
<td>The Consumer Protection Act 1987 (c. 47)</td>
<td>In section 7(2)(b), the words “the amount for” to be inserted. Section 1.</td>
</tr>
<tr>
<td>9 and 10 s. 3</td>
<td>The Land Audit Act 1988 (c. 70)</td>
<td>In section 10(2), the words “(prescribed by” to be inserted. Section 1.</td>
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<tr>
<td>9 and 10 s. 4</td>
<td>The Land Disposal Act 1992 (c. 80)</td>
<td>In section 10(2), the words “and approved by” to be inserted. Section 1.</td>
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<tr>
<td>9 and 10 s. 5</td>
<td>The Towns Improvement Act 1996 (c. 82)</td>
<td>In section 12(1)(a), the words “(after consult” to be inserted. Section 1.</td>
</tr>
<tr>
<td>10 and 11 s. 3</td>
<td>The Public Health Act 1995 (c. 51)</td>
<td>In section 23, the words “and state” to be inserted. Section 1.</td>
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<td>10 and 11 s. 10</td>
<td>The Housing Act 1996 (c. 90)</td>
<td>In section 26(1), the words “the time when” to be inserted. Section 1.</td>
</tr>
<tr>
<td>10 and 11 s. 10</td>
<td>The Criminal Justice and Court Services Act 2000 (c. 27)</td>
<td>In section 26(1), the words “the time when” to be inserted. Section 1.</td>
</tr>
<tr>
<td>10 and 11 s. 10</td>
<td>The Local Government (Financial) Act 2002 (c. 6)</td>
<td>In section 26X, the words “and approved by” to be inserted. Section 1.</td>
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<td>1962 c. 57</td>
<td>the Waters (Defence) Act 1961</td>
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<tr>
<td>1963 c. 44</td>
<td>the Highway Authority Act 1962</td>
<td>Section 7(1), the words &quot;to the number of twenty&quot; are inserted.</td>
</tr>
<tr>
<td>1965 c. 64</td>
<td>the Town and Country Planning Act 1965</td>
<td>Section 12(3), the words &quot;in any planning authority&quot; are inserted.</td>
</tr>
<tr>
<td>1968 c. 37</td>
<td>the Corporation (Finance) Act 1968</td>
<td>Section 7(a), the word &quot;Finance&quot; is omitted.</td>
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<td>Section 13(2), the word &quot;Finance&quot; is omitted.</td>
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<td>1972 c. 44</td>
<td>the Local Government (West Riding of Yorkshire) Act 1972</td>
<td>Section 1(4), the word &quot;Finance&quot; is omitted.</td>
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<td>the Local Government (Northern Ireland) Act 1972</td>
<td>Section 1(4), the word &quot;Finance&quot; is omitted.</td>
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<td>1972 c. 46</td>
<td>the Local Government (Scotland) Act 1972</td>
<td>Section 1(4), the word &quot;Finance&quot; is omitted.</td>
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<td>1972 c. 48</td>
<td>the New Towns Act 1972</td>
<td>Section 13(2), the word &quot;Finance&quot; is omitted.</td>
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<td>Section 5(2), the word &quot;Finance&quot; is omitted.</td>
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<td>1972 c. 51</td>
<td>the Local Government (London) Act 1972</td>
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<td>1972 c. 56</td>
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<td>Section 5(2), the word &quot;Finance&quot; is omitted.</td>
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<td>1972 c. 62</td>
<td>the Local Government (Scotland) Act 1972</td>
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#### Consideration:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)
## SCHEDULE 30 – Repeals

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Suit Title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966 c. 41</td>
<td>The Housing Act 1966</td>
<td>In section 2 (as inserted by the Local Government (Planning and Land Charges) Act 1975) the words &quot;or nearly satisfied&quot; are omitted.</td>
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<tr>
<td>1966 c. 46</td>
<td>The Food (Hygiene and Animal Health) Act 1969</td>
<td>In section 12, sub-paragraph (3) and paragraph (4) reference to the number &quot;40&quot; the word &quot;40&quot; is substituted.</td>
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<tr>
<td>1966 c. 47</td>
<td>The Common Seal Act 1962</td>
<td>In section 3 (as inserted by the Local Government Act 1969) the words &quot;of no less than 15 years&quot; are inserted.</td>
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<tr>
<td>1966 c. 48</td>
<td>The Civil Aviation Act 1966</td>
<td>In section 13, the words &quot;of no less than 10 years&quot; are inserted.</td>
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<tr>
<td>1966 c. 49</td>
<td>The Gardening Act 1966</td>
<td>In section 4, the words &quot;of no less than 10 years&quot; are inserted.</td>
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<tr>
<td>1966 c. 50</td>
<td>The Medicines Act 1968</td>
<td>In section 4 (as inserted by the Local Government Act 1969) the words &quot;of no less than 10 years&quot; are inserted.</td>
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<tr>
<td>1968 c. 16</td>
<td>The National Health Service Act 1969</td>
<td>In section 5, the words &quot;of no less than 10 years&quot; are inserted.</td>
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<tr>
<td>1968 c. 17</td>
<td>The Transport Act 1969</td>
<td>In section 5, the words &quot;of no less than 10 years&quot; are inserted.</td>
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### Notes

- **Local Government Act 1972 (c. 70)**
- **Document Generated:** 2019-06-12
- **Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)
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<td>1967 c. 30</td>
<td>The Representation of the People Act 1969—cont.</td>
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### Schedule 30 – Repeals

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<td>1972 c. 47</td>
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<td>1972 c. 60</td>
<td>The Agriculture (Housing Provision) Act 1972</td>
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Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to:
- Pt. 5 applied by S.I. 2018/639 art. 17(1)
- Pt. 5 applied by S.I. 2018/640 art. 17(1)
- Pt. 5 applied by S.I. 2018/648 art. 21(1)
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- s. 2(1) excluded by S.I. 2018/648 art. 7(2)
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- s. 3 applied by S.I. 2018/639 art. 17(1)
- s. 3 applied by S.I. 2018/640 art. 17(1)
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- s. 59 repealed by 2013 anaw 4 Sch. 2
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- s. 60(2)(a)(i) words substituted by 2011 c. 13 Sch. 16 para. 101
- s. 60(2)(c) words substituted by 2011 c. 13 Sch. 16 para. 101
- s. 60(5)(b) words substituted by 2011 c. 13 Sch. 16 para. 101
- s. 61 repealed by 2013 anaw 4 Sch. 2
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<td>s. 113 modified by S.I. 2018/1133 art. 20(2)(a)</td>
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<td>s. 113(1A) words inserted by 2012 c. 7 Sch. 5 para. 17(a)(i)</td>
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<td>s. 113(1A) words inserted by 2012 c. 7 Sch. 5 para. 17(a)(ii)</td>
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<td>s. 113(1A) words inserted by 2012 c. 7 Sch. 17 para. 3(a)</td>
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<td>s. 113(1A) words omitted by 2012 c. 7 Sch. 5 para. 17(a)(iii)</td>
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<td>s. 113(1A) words omitted by 2012 c. 7 Sch. 7 para. 3</td>
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<td>s. 113(1A)(a) words inserted by 2012 c. 7 Sch. 5 para. 17(a)(iv)</td>
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<td>s. 113(1A)(a) words inserted by 2012 c. 7 Sch. 17 para. 3(b)</td>
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<td>s. 113(1A)(b) words inserted by 2012 c. 7 Sch. 5 para. 17(a)(v)</td>
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<td>s. 113(1A)(b) words inserted by 2012 c. 7 Sch. 17 para. 3(c)</td>
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s. 146 applied by S.I. 2018/648 art. 21(1)
s. 146 applied by S.I. 2018/648 art. 36(1)
s. 146 applied by S.I. 2018/649 art. 17(1)
s. 146(3) words substituted by 2013 c. 22 Sch. 9 para. 52
s. 146A(1) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(h)
s. 146A(1) words substituted by 2017 c. 3 Sch. 2 para. 43(2)(a)
s. 146A(1) words substituted by 2017 c. 3 Sch. 2 para. 43(2)(b)
s. 146A(1ZC) words substituted by 2017 c. 3 Sch. 2 para. 43(3)
s. 146A(1ZE) inserted by 2017 c. 3 Sch. 2 para. 43(4)
s. 150(5) omitted by S.I. 2014/580 art. 2
s. 173-178 repealed by 2011 nawm 4 Sch. 3 para. 1(3)Sch. 4 Pt. F
s. 174(1) applied (with modifications) by S.I. 2012/1033 Sch. 1 para. 6(3)
s. 175(3B) applied by S.I. 2015/770 Sch. 3 para. 1
s. 175(3B) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(i)
s. 175(3B) words substituted by 2017 c. 3 Sch. 2 para. 43(5)
s. 176(3) word inserted by 2017 c. 3 Sch. 2 para. 45(a)
s. 176(3) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(j)
s. 176(3) words omitted by 2017 c. 3 Sch. 2 para. 45(b)
s. 177(1)(b) applied (with modifications) by S.I. 2015/770 Sch. 3 para. 2
s. 177(1A)(c) words substituted by 2011 c. 21 Sch. 1 para. 1(b)
s. 178 applied by S.I. 2018/639 art. 17(1)
s. 178 applied by S.I. 2018/640 art. 17(1)
s. 178 applied by S.I. 2018/648 art. 21(1)
s. 178 applied by S.I. 2018/648 art. 36(1)
s. 178 applied by S.I. 2018/649 art. 17(1)
s. 222-223 applied (with modifications) by S.I. 2017/558 art. 8Sch. 1
s. 222 modified by S.I. 2014/1012 art. 13(b)
s. 222 modified by S.I. 2014/863 art. 11(b)
s. 222 modified by S.I. 2014/864 art. 11(b)
s. 222 modified by S.I. 2014/865 art. 14(b)
s. 222 modified by S.I. 2016/449 art. 8(c)
s. 222 modified by S.I. 2016/653 art. 11(b)
s. 222 modified by S.I. 2017/126 art. 26(c)
s. 222 modified by S.I. 2017/251 art. 13(c)
s. 222 modified by S.I. 2018/103 reg. 19(3)(f)
s. 222 modified by S.I. 2018/1133 art. 20(2)(c)
s. 222(2) words inserted by 2017 c. 3 Sch. 1 para. 26
s. 222(2) words substituted by 2017 c. 3 Sch. 2 para. 46
s. 223 applied by 2018 c. 1 s. 15
s. 223(2) excluded by S.I. 2017/470 Sch. 2 para. 2(2)
s. 223(2) words inserted by 2017 c. 3 Sch. 1 para. 27
s. 223(2) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(k)
s. 224 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 2
s. 224 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3
s. 224(2) words substituted by 2015 c. 20 Sch. 13 para. 6(7)(l)
s. 225 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 2
s. 225 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3
s. 225(3) words substituted by 2015 c. 20 Sch. 13 para. 6(7)(m)
s. 228-234 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 2
s. 228-234 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3
s. 228(7B) omitted by 2015 c. 20 Sch. 13 para. 6(7)(n)
s. 229(8) words inserted by 2017 c. 3 Sch. 1 para. 28
s. 229(8) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(o)
s. 230(2) words substituted by 2015 c. 20 Sch. 13 para. 6(7)(p)
s. 231(4) words inserted by 2017 c. 3 Sch. 1 para. 29
s. 231(4) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(q)
s. 232(1A) words inserted by 2017 c. 3 Sch. 1 para. 30
s. 232(1A) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(r)
Local Government Act 1972 (c. 70)

– s. 246(12) omitted by S.I. 2014/580 art. 3(1)
– s. 246(15) continued by 2014 c. 2 Sch. 12 para. 8
– s. 246(16) words inserted by 2011 nawm 4 Sch. 3 para. 1(4)
– s. 249 modified by S.I. 2018/1128 reg. 30(1)
– s. 249(4)(b) words inserted by 2011 nawm 4 Sch. 3 para. 1(5)
– s. 250(2)-(5) applied by S.I. 2017/1012 reg. 137(2)
– s. 250(2)-(5) applied by S.I. 2017/1012 Sch. 1 para. 4(3)
– s. 250(2)-(5) applied (with modifications) by S.I. 2016/1154 Sch. 6 para. 5(6)
– s. 250(2)-(5) applied (with modifications) by S.I. 2017/565 reg. 31(11)
– s. 250(2)(3) applied by 1972 c. 70 Sch. 1B para. 4(2) (as inserted) by 2016 anaw 4 Sch. 2
– s. 250(2)(3) applied by 1979 c. 46 Sch. A2 para. 4(2) (as inserted) by 2016 anaw 4 Sch. 1
– s. 250(2)-(5) applied by 1981 c. 69 Sch. 13A para. 10(1)(2) (as inserted) by 2015 c. 20 Sch. 7 para. 6
– s. 250(2)-(5) applied by 1981 c. 69 Sch. 14A para. 16(1)(2) (as inserted) by 2015 c. 20 Sch. 7 para. 7
– s. 250(2)(3) applied by 1990 c. 10 Sch. para. 6(4A) (as inserted) by 2015 anaw 4 Sch. 5 para. 26(b)
– s. 250(2)(3) applied by 1990 c. 8 Sch. 4 para. 6(4A) (as inserted) by 2015 anaw 4 Sch. 5 para. 16(2)(b)
– s. 250(2)(3) applied by 1990 c. 8 Sch. 8 para. 5(4) (as amended) by 2015 anaw 4 Sch. 5 para. 18(c)
– s. 250(2)(3) applied by 1990 c. 8 s. 320(2) (as amended) by 2015 anaw 4 Sch. 5 para. 12(3)
– s. 250(2)(3) applied by 1990 c. 8, s. 252(6D) (as inserted) by S.I. 2016/53 reg. 16(3)
– s. 250(2)(3) applied by 1990 c. 9 Sch. 3 para. 6(4A) (as inserted) by 2015 anaw 4 Sch. 5 para. 22(b)
– s. 250(4) applied (with modifications) by 1990 c. 8 s. 322(1B)(1C) (as inserted) by 2013 c. 27 s. 2(2)
– s. 250(4) applied (with modifications) by 1990 c. 8 s. 322A(3)(4) (as inserted) by 2013 c. 27 s. 2(3)
– s. 250(4) modified by 1990 c. 8 s. 320(3) (as inserted) by 2013 c. 27 s. 2(1)
– s. 250(5) applied by 1981 c. 77 s. 5(4) (as inserted) by 2013 c. 27 s. 3
– s. 265A(1)(b) words repealed by 2000 c. 22 Sch. 6
– s. 265A(1)(f) words inserted by 2015 c. 27 s. 2(2)
– s. 270(1) words inserted by 2011 c. 20 Sch. 3 para. 6(2)
– s. 270(1) words inserted by 2011 c. 20 Sch. 3 para. 6(3)
– s. 270(1) words inserted by 2016 c. 1 Sch. 5 para. 5
– s. 270(1) words omitted by 2015 c. 20 Sch. 13 para. 6(7)(v)
– s. 270(1) words repealed by 2013 anaw 4 Sch. 2
– s. 270(1) words substituted by 2011 c. 20 Sch. 3 para. 6(4)
– s. 270(1) words substituted by 2011 c. 20 Sch. 3 para. 6(5)
– Sch. 8 repealed by 2013 anaw 4 Sch. 2
– Sch. 11 repealed by 2013 anaw 4 Sch. 2
– Sch. 12 para. 40-44 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 2
– Sch. 12 para. 40-44 applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3
– Sch. 12 Pt. 6 applied (with modifications) by S.I. 2015/435 Sch. para. 17
– Sch. 12 Pt. 1 applied (with modifications) by S.I. 2017/558 art. 8Sch. 1
– Sch. 12 Pt. 6 applied (with modifications) by S.I. 2017/558 art. 8Sch. 1
– Sch. 12 para. 43 excluded by 1990 c. 8 s. 319ZB(3) (as inserted) by 2015 anaw 4 s. 39(1)
– Sch. 12 modified by S.I. 2013/2277 art. 5
– Sch. 12 Pt. 3 para. 18(4)-(6) omitted by 2014 c. 2 s. 42(2)
– Sch. 12 para. 30(1) substituted by 2011 nawm 4 s. 88(1)(a)
– Sch. 12 para. 34(4) substituted by 2011 nawm 4 s. 93
– Sch. 12 para. 10(2)(b) substituted by S.I. 2015/5 art. 2(4)(a)
– Sch. 12 para. 26(2)(a) words inserted by 2013 anaw 4 s. 57(a)(i)
Sch. 12 Pt. 1A para. 6B words inserted by 2017 c. 3 s. 7(4)

Sch. 12 para. 4(2) words inserted by S.I. 2015/5 art. 2(3)

Sch. 12 para. 4(3) words inserted by S.I. 2015/5 art. 2(3)

Sch. 12 para. 30(2) words substituted by 2011 nawm 4 s. 88(1)(b)

Sch. 12 para. 30(3)(4) words substituted by 2011 nawm 4 s. 88(1)(c)

Sch. 12 para. 30(3) words substituted by 2011 nawm 4 s. 88(1)(d)

Sch. 12A applied (with modifications) by S.I. 2012/2734 reg. 3

Sch. 12A applied (with modifications) by S.I. 2012/2734 reg. 3

Sch. 12A applied (with modifications) by S.I. 2012/2734 reg. 3

Sch. 12A Pt. 1-3 applied (with modifications) by 2011 nawm 4 s. 88(1)(d)

Sch. 12A para. 8(d) substituted by 2014 c. 14 Sch. 4 para. 24(2)

Sch. 12A para. 19(d) substituted by 2014 c. 14 Sch. 4 para. 24(3)

Sch. 12A para. 9 words inserted by S.I. 2017/276 reg. 2(2)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Blanket amendment words substituted by S.I. 2011/1043 art. 3

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

Pt. 5A applied by S.I. 2018/639 art. 17(1)

Pt. 5A applied by S.I. 2018/640 art. 17(1)

Pt. 5A applied by S.I. 2018/649 art. 21(1)

Pt. 5A applied by S.I. 2018/648 art. 36(1)

Pt. 5A applied by S.I. 2018/649 art. 17(1)

Pt. 5A applied (with modifications) by 2011 c. 20 s. 35(8)

Pt. 5A applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 1

Pt. 5A applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 2

Pt. 5A applied (with modifications) by S.I. 2012/2734 reg. 3-6Sch. Pt. 3

Pt. 5A excluded by S.I. 2018/574 art. 66(9)

Pt. 5A modified by 2011 nawm 4 s. 14(8)

Pt. 5A modified by 2011 nawm 4 s. 83(7)

Pt. 5A modified by 2014 c. 2 Sch. 7 para. 9(6)(7)

s. 24A24B inserted by 2013 anaw 4 s. 51(2)

s. 25B inserted by 2013 anaw 4 s. 51(3)

s. 30(1)(ba) inserted by 2013 anaw 4 Sch. 1 para. 1(3)(a)

s. 33B inserted by 2011 nawm 4 s. 98

s. 33C inserted by 2011 nawm 4 s. 99

s. 70(1) words inserted by 2013 anaw 4 Sch. 1 para. 1(5)(a)

s. 70(1) words substituted by 2015 c. 20 Sch. 13 para. 6(7)(a)

s. 74(3A) inserted by 2013 anaw 4 Sch. 1 para. 1(7)(c)

s. 74(8) inserted by 2013 anaw 4 Sch. 1 para. 1(7)(d)

s. 80(2AB) inserted by 2015 anaw 4 Sch. 1 para. 3

s. 85(3B)-(3D) inserted by 2011 nawm 4 s. 31(2)

s. 88(1)(a)(b) modified by S.I. 2014/864 art. 12(2)

s. 100A(5A) inserted by S.I. 2014/2095 reg. 4(2)

s. 100A(7A)-(7F) inserted by S.I. 2014/2095 reg. 4(5)

s. 100A(9) inserted by S.I. 2014/2095 reg. 4(6)

s. 100E(1A) inserted by S.I. 2014/2095 reg. 4(7)

s. 100E(3)(bba)(bbb) inserted by 2016 c. 1 Sch. 5 para. 2

s. 100J(1)(be) inserted by 2011 c. 20 s. 231(3)

s. 100J(1)(bf) inserted by 2016 c. 1 Sch. 5 para. 3(a)

s. 100J(2B) inserted by S.I. 2014/2095 reg. 4(8)(b)

s. 100J(2B)(a) omitted by 2015 c. 20 Sch. 13 para. 6(7)(f)(iii)

s. 100J(3YA) inserted by 2011 c. 20 s. 231(6)

s. 100J(4AA) inserted by 2011 c. 20 s. 231(6)

s. 100EA(2A) inserted by 2011 nawm 4 s. 57(1)(b)