



# Local Government Act 1972

## 1972 CHAPTER 70

### PART IV

#### CHANGES IN LOCAL GOVERNMENT AREAS

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

- C1 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\(2\)](#)
- C2 Pt. IV (ss. 46–78) modified by [Caldey Island Act 1990](#) (c. 44, SIF 81:1), [s. 4\(2\)](#)

*Proposals by Local Government Boundary Commission for England*

<sup>F1</sup>46 .....

**Textual Amendments**

- F1 Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992](#) (c. 19), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

<sup>F2</sup>47 .....

**Textual Amendments**

- F2 Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992](#) (c. 19), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

<sup>F3</sup>48 .....

*Status: Point in time view as at 24/10/1994.*

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**Textual Amendments**

**F3** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

**F4** **49** .....

**Textual Amendments**

**F4** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F5** **50** .....

**Textual Amendments**

**F5** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2)(3), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F6** **51** .....

**Textual Amendments**

**F6** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art.2](#)

**F7** **52** .....

**Textual Amendments**

**F7** Ss. 46-52 repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 29(2), [Sch. 4 Pt.II](#); S.I. 1992/2371, [art. 2](#)

*Proposals by Local Government Boundary Commission for Wales*

**53 Local Government Boundary Commission for Wales.**

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

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## 54 Proposals for changes in local government areas in Wales.

(1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a [<sup>F8</sup> 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;
- [<sup>F9</sup>(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 [<sup>F10</sup> a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed].

[<sup>F11</sup>(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.]

[<sup>F12</sup>(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.

### Textual Amendments

- F8** 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.**
- F9** S. 54(1)(b)(c)(cc) substituted for s. 54(1)(b)(c) (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.**
- F10** 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

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- F11** 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.**
- F12** 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.**

## 55 Review of local government areas in Wales.

- (1) It shall be the duty of the Welsh Commission to keep under review all counties and districts in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such county or district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.
- (2) Upon the completion, in relation to their district, of the special community review under Schedule 10 below it shall be the duty of the council for each district in Wales to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.
- (3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) In any case where the Secretary of State has made an order under section 1 of the <sup>M1</sup>New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a [<sup>F13</sup>principal council] intend to make, or recommend the making of, proposals for a change in

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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<sup>F14</sup> . . . 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;
- [<sup>F15</sup>(f) the alteration of the boundaries of any preserved county;]

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.

#### Textual Amendments

**F13** Words in s. 55(5) substituted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 8(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

**F14** Words in s. 55(5)(a) repealed (24.10.1994) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 8(5), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

**F15** S. 55(5)(f) inserted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 8(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

#### Marginal Citations

**M1** 1965 c. 59.

## 56 Power of Secretary of State to direct holding of reviews.

[<sup>F16</sup>(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 the council of a district in Wales to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.

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- (3) The Welsh Commission shall consider any report made under subsection (2) above with reference to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in [<sup>F17</sup>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.

#### Textual Amendments

- F16** 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.**
- F17** 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.**

## 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 counties under Schedule 10 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of 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.

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

## **58 Commission's reports and their implementation.**

- (1) Where the Welsh Commission have—
  - (a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a district council; or
  - (b) in accordance with section 57 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, 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:

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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.

[<sup>F18</sup>(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.]

#### Textual Amendments

**F18** 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)

**C3** 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 the council of a district in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of<sup>F19</sup> . . . 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.

#### Textual Amendments

**F19** 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.**



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### *Conduct of reviews*

#### **60 Procedure for reviews.**

- (1) [<sup>F20</sup>The Welsh Commission or a] district council proposing to conduct a review under the foregoing provisions of this Part of this Act shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it.
- (2) In conducting any such review [<sup>F21</sup>the Welsh Commission] or district council shall—
  - (a) consult—
    - (i) the council of any local government area affected by the review, and such other local authorities and public bodies as appear to them to be concerned;
    - (ii) any bodies representative of staff employed by local authorities who have asked the Commission or the council, as the case may be, to be consulted; and
    - (iii) such other persons as they think fit;
  - (b) take such steps as they think fit for securing that persons who may be interested in the review are informed of any draft proposals or recommendations, any draft of an order under section <sup>F22</sup> . . . 57(4) above or any interim decision not to make proposals or recommendations or any such order and of the place or places where those proposals or recommendations or that order or decision can be inspected;
  - (c) in particular, deposit copies of those proposals or recommendations or that order or decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (d) take into consideration any representations made to them within that period.
- (3) In considering any recommendations made by a district council in consequence of a review conducted by them under this Part of this Act [<sup>F21</sup>the Welsh Commission] may consult the council of any local government area affected by the review, such other local authorities and public bodies as appear to them to be concerned and such other persons as they think fit.
- (4) Where [<sup>F21</sup>the Welsh Commission] propose to modify any proposals recommended by a district council as aforesaid or not to submit any such proposals, the Commission shall—
  - (a) take such steps as they think fit for securing that persons who may be interested in any modification or decision are informed of it and of the place or places where it can be inspected;
  - (b) deposit copies of any draft modification or the decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement; and
  - (c) take into consideration any representations which may be made to them with respect to any such modification or decision within that period.
- (5) Where [<sup>F21</sup>the Welsh Commission] or a district council make a report, proposals or recommendations under this Part of this Act they shall—

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- (a) take such steps as they think fit for securing that persons who may be interested in the report, proposals or recommendations are informed of the report, proposals or recommendations and of the place or places where they can be inspected;
- (b) in particular, deposit copies of the report, proposals or recommendations at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to the proposals or recommendations or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.
- (6) Subject to subsections (1) to (5) above, the Secretary of State may make regulations prescribing the procedure by which [<sup>F21</sup>the Welsh Commission] or, as the case may be, a district council are to conduct a review under this Part of this Act or by which [<sup>F21</sup>the Welsh Commission] are to consider recommendations of a district council thereunder.
- (7) Subject to those subsections and to any regulations made under subsection (6) above, the procedure of [<sup>F21</sup>the Welsh Commission] or a district council in conducting any such review and the procedure of the Commission in considering any such recommendations shall be such as they may determine.
- (8) ..... <sup>F23</sup>

#### Textual Amendments

- F20** Words in s. 60(1) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 13(1)**; S.I. 1992/2371, **art.2**
- F21** Words in s. 60(2)-(7) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 13(2)**; S.I. 1992/2371, **art.2**
- F22** Words in s. 60(2)(b) repealed (31.10.1992) by Local Government Act 1992 (c. 19), s. 29(2), **Sch. 4 Pt. II**; S.I. 1992/2371, **art. 2**
- F23** S. 60(8) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 Pt. II para. 2(4)**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

## 61 Local inquiries.

- (1) [<sup>F24</sup>The Welsh Commission or a] district council may cause a local inquiry to be held with respect to any review carried out by them under this Part of this Act.
- (2) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commission or district council causing the inquiry to be held.

#### Textual Amendments

- F24** 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**

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### *Border between England and Wales*

<sup>F25</sup>**62** .....

#### **Textual Amendments**

**F25** 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*

<sup>F26</sup>**63** .....

#### **Textual Amendments**

**F26** 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**

[<sup>F27</sup>**64** **Review of electoral arrangements for Welsh principal areas.**

- (1) As soon as practicable after the ordinary election of councillors for any of the Welsh principal areas held in 1995, the Welsh Commission shall—
  - (a) review the electoral arrangements for that area with a view to considering future electoral arrangements; and
  - (b) formulate proposals for those arrangements.
- (2) The provisions of Part IV of this Act shall apply to a review under subsection (1) above as they apply to a review under section 57 above.
- (3) In its application to a review under subsection (1) above, section 58 above shall have effect as if it required—
  - (a) the Welsh Commission to submit a report for any principal area before such date as the Secretary of State may direct, and
  - (b) the Secretary of State to make an order under section 58 above giving effect to the proposals of the Commission under subsection (1) above (whether as submitted to him or with modifications).]

#### **Textual Amendments**

**F27** S. 64 substituted (5.7.1994) by 1994 c. 19, **ss. 6, 66(2)(a)** (with **ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)**)

### *Supplementary provisions*

**65** **Delegation of functions of Commission.**

- (1) [<sup>F28</sup>The Welsh Commission] may appoint one or more members of the Commission—

*Status: Point in time view as at 24/10/1994.*

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- (a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
  - (b) to report to the Commission accordingly.
- (2) At the request of [<sup>F28</sup>the Welsh Commission] the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—
- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
  - (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

**Textual Amendments**  
**F28** Words in s. 65(1)(2) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27\(1\), Sch. 3 para. 15\(1\)\(2\)](#); S.I. 1992/2371, [art.2](#)

<sup>F29</sup> **66** .....

**Textual Amendments**  
**F29** [S. 66](#) repealed (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 29\(2\), Sch. 4 Pt. II](#); S.I. 1992/2371, [art.2](#)

**67 Consequential and transitional arrangements relating to Part IV.**

- (1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of orders under this Part of this Act or for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Regulations under this section may in particular include, in addition to any provision made by virtue of section 255 below, provision of general application with respect to—
- (a) the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
  - (b) the functions or areas of jurisdiction of any public body, justice of the peace, stipendiary magistrate, coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers (including police officers) within any area affected by any such order, and the costs and expenses of such public bodies and persons as aforesaid;
  - (c) the transfer of legal proceedings;
- and may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of an Act, an instrument made under an Act or a charter.

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- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) An order under this Part of this Act may include the like provision in relation to the order as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (5) Any such order may also include provision with respect to—
  - (a) the name of any altered area;
  - (b) the constitution and election of public bodies in any area affected by the order;
  - [<sup>F30</sup>(c) the total number of councillors, the apportionment of councillors among electoral areas, the assignment of existing councillors to new or altered electoral areas and the first election of councillors for any new or altered electoral area;]
  - (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral areas in the local government area in question in a case where substantial changes have been made to some of those areas;
  - (e) without prejudice to paragraph (c) above, the order of retirement of councillors for any such electoral area;
  - (f) in the case of an order relating to the system of election of district councillors, the ordinary year of election and the order of retirement of parish or community councillors for any parish or community situated in the district;
  - (g) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the order.
- (6) ..... <sup>F31</sup>

**Textual Amendments**

**F30** S. 67(5)(c) substituted by S.I. 1977/1710, art. 3(a)

**F31** S. 67(6) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 Pt. II para. 2(5)**) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**68 Transitional agreements as to property and finance.**

- (1) Any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.
- (2) The agreement may provide—
  - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
  - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person; and

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- (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.
- <sup>F32</sup>(6) .....
- (8) Any agreement or award under this section which relates to the profits of local taxation licences shall, so far as it so relates, be carried out in accordance with regulations made by the Secretary of State.
- (9) Subsection (8) above shall apply to—
  - (a) an adjustment made under section 151 of the 1933 Act, whether as originally enacted or as applied by any other enactment or any instrument made under any Act; and
  - (b) an adjustment made under section 32 or 62 of the <sup>M2</sup>Local Government Act 1888, whether as originally enacted or as so applied, and consequent on an alteration of areas effected after 31st March 1930;
 as it applies in relation to an agreement or award under this section.

<p><b>Textual Amendments</b></p> <p><b>F32</b> S. 68(6)(7) repealed by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 81:1)</a>, s. 194(2), <a href="#">Sch. 12 Pt. I</a></p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M2</b> 1888 c. 41.</p>
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## **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 district council proposing to make any such varying or revoking order shall prepare a draft of the order, shall send copies of the draft to such local or public authorities as appear to him or them to be concerned, and shall give public notice, in such manner as appears to him or them sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at a place specified in the notice and that representations with respect to the draft may be made to him or them within two months of the publication of the notice.
- (3) The Secretary of State or district council shall consider any representations duly made with respect to the draft and may, if he or they think fit, make an order either in the form of the draft or subject to modifications.
- (4) The Secretary of State or a district council may cause a local inquiry to be held with respect to the draft and section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this subsection by a district council with the substitution for references to a Minister of references to the council.
- (5) Any supplementary provision contained in an order made by a Minister of the Crown under any of the following enactments (being enactments making provision corresponding to some or all of the foregoing provisions of this Part of this Act), that is to say—
  - (a) section 46 of the <sup>M3</sup>Local Government Act 1929;
  - (b) Part VI of the 1933 Act;
  - (c) Part II of the <sup>M4</sup>Local Government Act 1958;
  - (d) section 6 of the 1963 Act;
  - (e) any enactment repealed by the 1933 Act and corresponding to any enactment in the said Part VI;may be varied or revoked by an order made by the Secretary of State, and subsections (2) to (4) above shall apply in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.
- (6) Any supplementary provision contained in an order made under any of the enactments mentioned in subsection (5) above by a county council may be varied or revoked in relation to any new district to which or part of which that provision relates by an order made by the council of the district, and subsections (2) to (4) above shall apply with all necessary modifications in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.
- (7) In this section “supplementary provision” means any such provision as could be made by an order under this Part of this Act by virtue of section 67 above or section 255 below.

### **Marginal Citations**

**M3** 1929 c. 17.

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**M4** 1958 c. 55.

### Miscellaneous

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

[<sup>F33</sup>[<sup>F34</sup>No] local authority or a joint authority . . . <sup>F35</sup>] shall have power to promote a bill for forming or abolishing any local government area . . . <sup>F36</sup> or for altering, or altering the status or electoral arrangements of, any local government area . . . <sup>F36</sup>.

### Textual Amendments

- F33** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 1**
- F34** 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**
- F35** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F36** 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**

### Modifications etc. (not altering text)

- C4** S. 70 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(a)**
- C5** S. 70 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(a)**
- C6** S. 70 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

## 71 Modification of seaward boundaries of local government areas.

- (1) [<sup>F37</sup>The Welsh Commission] may at any time review so much of the boundary of any county as lies below the high-water mark of medium tides and does not form a common boundary with another county and may make proposals to the Secretary of State for making alterations to any part of the boundary so as to include in the county any area of the sea which at the date of the proposals is not, in whole or in part, comprised in any other county or to exclude from the county any area of the sea which at that date is comprised in the county.
- (2) The Secretary of State may direct [<sup>F37</sup>the Welsh Commission] to conduct a review under this section of a particular boundary or not to undertake during a specified period such a review of a particular boundary, and may give [<sup>F37</sup>the Welsh Commission] directions for their guidance in conducting a review and making proposals under this section.
- (3) Subsections (1), (2), (5), (6) and (7) of section 60 above shall apply in relation to a review under this section as they apply in relation to a review under the provisions of this Part of this Act which precede that section.
- (4) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section, either as submitted to him or with modifications.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.



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#### Textual Amendments

- F37** Words in s. 71(1)(2) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para. 16\(1\)\(2\)](#); S.I. 1992/2371, [art. 2](#)

### 72 Accretions from the sea, etc.

- (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<sup>F38</sup> . . . under this section shall be annexed to and incorporated with the district and county in which that parish<sup>F38</sup> . . . is situated.
- [<sup>F39</sup>(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.

#### Textual Amendments

- F38** Words in s. 72(2) repealed (24.10.1994) by [1994 c. 19](#), s. 66(5)(8), [Sch. 15 para. 18](#), [Sch. 18](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1994/2790, [art. 2\(1\)](#), [Sch.](#)
- F39** [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, [art. 2\(1\)](#), [Sch.](#)

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

- (1) Where, in the exercise of any power [<sup>F40</sup>conferred by the conferred by the Water Resources Act 1991, the Land Drainage Act 1991 or] any other enactment, a water-course forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Secretary of State.
- (2) If after consultation with [<sup>F41</sup>the Local Government Commission for England] or the Welsh Commission, as the case may require, the Secretary of State is satisfied that,

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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.

[<sup>F42</sup>(4) For the purposes of this section a preserved county is an area of local government.]

#### Textual Amendments

- F40** 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).
- F41** 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](#)
- F42** 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.
- (3) Notice of any change of name made under this section [<sup>F43</sup>or by virtue of a resolution under section 21(5) above]—
- (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published in such manner as the Secretary of State may direct.
- (4) A change of name made in pursuance of this section [<sup>F43</sup>or by virtue of a resolution under section 21(5) above] shall not affect any rights or obligations of any county, district or London borough or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- (5) The name of a county or district shall not be changed under this section before 1st April 1978 unless the change is made with the consent of the Secretary of State.

#### Textual Amendments

- F43** Words inserted by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 160, [Sch. 8 para. 4](#)

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## 75 Change of name of parish.

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

### Modifications etc. (not altering text)

- C7** 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 district in which the community is situated may change the name of the community.
- (2) Notice of any change of name made under this section [<sup>F44</sup>or by virtue of a resolution under section 33(2B) above]—
  - (a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
  - (b) shall be published by the district council in the community and elsewhere in such manner as they consider appropriate.
- (3) A change of name made in pursuance of this section [<sup>F44</sup>or by virtue of a resolution under section 33(2B) above] shall not affect any rights or obligations of any community or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

### Textual Amendments

- F44** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 160, Sch. 8 para. 5

<sup>F45</sup>77 .....

### Textual Amendments

- F45** S. 77 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

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## 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;
- (c) <sup>F46</sup> .....

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

“public body” includes any compensation authority for the purposes of the <sup>M5</sup>Licensing Act 1964.

“substantive change” has the meaning assigned to it by [<sup>F47</sup>section 54(1)(e)] above.

(2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State, [<sup>F48</sup>the Welsh Commission] and every district council shall so far as is reasonably practicable comply with the rules set out [<sup>F49</sup>in Schedule 11 to this Act].

### Textual Amendments

**F46** S. 78(1)(c) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), **Sch. 9 Pt. II para. 2(6)**) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

**F47** 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**

**F48** 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**

**F49** Words substituted by virtue of [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 12 Pt. II para. 42**

### Marginal Citations

**M5** 1964 c. 26.

**Status:**

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**Changes to legislation:**

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