



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XI

#### GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

##### *Legal proceedings*

#### **222 Power of local authorities to prosecute or defend legal proceedings.**

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
  - (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
  - (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) In this section “local authority” includes the Common Council.

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

- C1** S. 222 amended by S.I. 1990/1765, art. 4(3)
- C2** S. 222 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.  
S. 222: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.
- C3** S. 222 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.  
S. 222: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.  
S. 222 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(g) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

*Status: Point in time view as at 01/04/1996. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Local Government Act 1972, Part XI is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 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, notwithstanding anything contained in [<sup>F1</sup>the <sup>M1</sup>Solicitors Act 1974], to conduct any such proceedings although he is not a solicitor holding a current practising certificate.
- (2) In this section “local authority” includes the Common Council [<sup>F2</sup>, a joint authority [<sup>F3</sup>and]<sup>F4</sup>, a police authority established under section 3 of the Police Act 1964] . . . [<sup>F5</sup>]. . .

### Textual Amendments

- F1** Words substituted by [Solicitors Act 1974 \(c. 47\), s. 90\(2\), Sch. 3 para. 9](#)
- F2** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 para. 21](#)
- F3** Word in s. 223(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 17\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F4** Words in s. 223(2) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, [Sch. 4 para. 12](#); S.I. 1994/2025, [art. 6](#) and S.I. 1994/3262, arts. 4, 5, [Sch.](#)
- F5** 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)

- C4** [S. 223](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 57\(7\), Sch. 13 para. 12\(f\)](#)
- C5** [S. 223](#) modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#).  
[S. 223](#): certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).
- C6** [S. 223](#) modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).  
[S. 223](#): certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch. 2](#).  
[S. 223](#) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(f\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))  
[S. 223](#) amended (3.1.1995) by 1994 c. 40, ss. 76, 82(2), [Sch. 16 para. 3](#)  
[S. 223](#) modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(d\)](#)  
[S. 223](#) extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), [Sch. 8 para. 3\(1\)\(g\)](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))  
[S. 223](#) applied (18.7.1996) by S.I. 1996/1880, [art. 76](#)
- C7** [S. 223\(2\)](#) amended by S.I. 1985/1884, art. 10, [Sch. 3 para. 1\(m\)](#)
- C8** [S. 223\(2\)](#) modified by S.I. 1987/2110, art. 2(2), [Sch. 1 para. 3\(m\)](#)

### Marginal Citations

- M1** [1974 c. 47.](#)

*Documents and notices, etc.*

## 224 Arrangements by principal councils for custody of documents.

- [<sup>F6</sup>(1)] Without prejudice to the powers of the custos rotulorum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents which belong to or are in the custody of the council or any of their officers.

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[<sup>F7</sup>(2) This section applies to a joint authority . . . <sup>F8</sup> as it applies to a principal council.]

[<sup>F9</sup>(3) In subsection (1) above “county”, in relation to Wales, means a preserved county.]

#### Textual Amendments

- F6** S. 244 renumbered as s. 244(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 22**
- F7** S. 224(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 22**
- F8** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F9** S. 224(3) added (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 7** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

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

- C9** S. 224 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C10** S. 224 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 224: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C11** S. 224 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 224 : certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.  
S. 224 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 224 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**  
S. 224 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 224 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 224 extended (8.5.2000) by 1999 c. 29, s. 75 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C12** S. 224 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(b)**  
S. 224 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(b)**
- C13** S. 224(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C14** S. 224(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 225 Deposit of documents with proper officer of authority, etc.

(1) In any case in which a document of any description is deposited with the proper officer of a local authority, or with the chairman of a parish or community council or with the chairman of a parish meeting, pursuant to the standing orders of either House of Parliament or to any enactment or instrument, the proper officer or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or instrument, and shall make such notes or endorsements on, and give such acknowledgments and receipts in respect of, the document as may be so directed.

(2) All documents required by any enactment or instrument to be deposited with the proper officer of a parish or community shall, in the case of a parish or community not having a separate parish or community council, be deposited in England with the chairman of the parish meeting or in Wales with the proper officer of the [<sup>F10</sup>principal council].

[<sup>F11</sup>(3) In this section “local authority” includes a joint authority <sup>F12</sup>. . .]

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### Textual Amendments

- F10** 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**
- F11** S. 225(3) inserted by **Local Government Act 1985** (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 23**
- F12** 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)

- C15** S. 225 amended by **Local Government Act 1985** (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 121(g)**
- C16** S. 225 modified (7.8.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**.  
S. 225: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C17** S. 225 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.  
S. 225: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**  
S. 225 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
S. 225 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 225 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**  
S. 225 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 225 extended (8.5.2000) by 1999 c. 29, s. 75 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C18** 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)**
- C19** S. 225(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C20** 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—
- in the case of a parish which is co-extensive with an existing rural parish, remain in the same custody as before 1st April 1974; and
  - in the case of any other parish or any community, be in the custody of the body to which the documents of that area, other than documents of a specified class, are transferred on that date;

but the parish or community council or, in the case of a parish or community not having a separate parish or community council, the parish meeting in England or the [F13 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 M2 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—

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- (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 [<sup>F13</sup>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 [<sup>F14</sup>Wales or in] a [<sup>F15</sup>metropolitan district,] London borough or the City, be determined by the Secretary of State and in any other case by the county council.
- (5) [<sup>F16</sup>The council of every county or metropolitan district] shall from time to time enquire into the manner in which specified papers under the control of a parish <sup>F17</sup> . . . or parish meeting [<sup>F18</sup>in their area] are kept with a view to their proper preservation, and shall make such orders as they think necessary for their preservation, and those orders shall be complied with by the parish <sup>F17</sup> . . . or parish meeting.
- [<sup>F19</sup>(6) Subsection (5) above shall also apply in relation to community councils but as if the functions conferred by it were functions of the principal council.]

#### Textual Amendments

- F13** Words in s. 226(1)(3)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(2)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F14** Words in s. 226(4) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(3)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F15** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 22(2)(a)**
- F16** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 22(2)(b)**
- F17** Words in s. 226(5) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), **Sch. 15 para. 47(4)**, **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F18** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1) s. 16, **Sch. 8 para. 22(2)(b)**
- F19** S. 226(6) added (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 47(5)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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

- C21** S. 226 modified (07.08.1991) by S.I.1991/1773, art. 8(2), **Sch. 2**.  
S. 226: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

#### Marginal Citations

- M2** 1894 c. 73 (56 & 57 Vict.).

## 227 Provision of depositories for parish and community documents.

- (1) In the case of a parish or community having a separate parish or community council that council or, if they so request, the council of the district in which the parish <sup>F20</sup> . . . is situated [<sup>F21</sup>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.

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- (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 <sup>F20</sup> . . . is situated [<sup>F21</sup>or the council of the principal area in which the community is situated] shall provide proper depositories for all the specified papers under the control of the parish meeting or belonging to the community but in England only with the consent of the parish meeting of the parish.

#### Textual Amendments

- F20** Words in s. 227(1)(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 48, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F21** Words in s. 227(1)(2) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 48** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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

- C22** S. 227 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2  
S. 227: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**

## 228 Inspection of documents.

- (1) The minutes of proceedings of a [<sup>F22</sup>parish or community council] shall be open to the inspection of any local government elector for the area of the [<sup>F22</sup>the council] and any such local government elector may make a copy of or extract from the minutes.
- (2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.
- (3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.
- <sup>F23</sup>(4) . . . . .
- (5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of 10p for every such inspection, and of the further sum of 10p for every hour during which such inspection continues after the first hour.
- (6) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except where otherwise expressly provided, without payment.
- (7) If a person having the custody of any such document—
- 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,
  - refuses to give copies or extracts to any person entitled to obtain copies or extracts,
- he shall be liable on summary conviction to a fine not exceeding [<sup>F24</sup>level 1 on the standard scale].
- <sup>F25</sup>(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority [<sup>F26</sup>or a police authority established under section 3 of the Police Act 1964]. . .



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as if that authority were a local authority and as if, <sup>F27</sup>. . ., references to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.]

(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a [<sup>F28</sup>parish council].

[<sup>F29</sup>(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.]

#### Textual Amendments

- F22** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)(a)**
- F23** S. 228(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F24** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**
- F25** S. 228(7A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 24**
- F26** Words in s. 228(7A) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 13**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, arts. 4, 5, **Sch.**
- F27** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F28** Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)(b)**
- F29** S. 228(9) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(8)**

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

- C23** S. 228 modified (07.08.1991) by S.I.1991/1773 art.8(2), **Sch. 2**  
S. 228: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**  
S. 228 applied (with modifications) (28.6.1995) by 1995 c. iii, s. 26, **Sch. 1**  
S. 228 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(b)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 228 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- C24** S. 228(2)(3) amended by S.I. 1989/1815, art. 2, **Sch. 1 para. 5(c)**
- C25** S. 228(7A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C26** S. 228(7A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 229 Photographic copies of documents.

- (1) Subject to subsections (3) and (7) below, any requirement imposed by any enactment that a local authority or parish meeting shall keep a document of any description shall be satisfied by their keeping a photographic copy of the document.
- (2) Subject to subsection (7) below, any requirement imposed by any enactment that a document of any description in the custody or under the control of a local authority or parish meeting shall be made available for inspection shall be satisfied by their making available for inspection a photographic copy of the document.
- (3) Subsection (1) above shall not apply to any document deposited with a local authority under the <sup>M3</sup>Public Records Act 1958.

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- (4) In legal proceedings a photographic copy of a document in the custody of a local authority or parish meeting, or of a document which has been destroyed while in the custody of a local authority or parish meeting, or of any part of any such document, shall, subject to subsection (6) below, be admissible in evidence to the like extent as the original.
- (5) A certificate purporting to be signed by the proper officer of the local authority, or the chairman of the parish meeting, concerned that a document is such a photographic copy as is mentioned in subsection (4) above, shall, subject to subsection (7) below, be evidence to that effect.
- (6) The court before which a photographic copy is tendered in evidence in pursuance of subsection (4) above may, if the original is in existence, require its production and thereupon that subsection shall not apply to the copy.
- (7) A photographic copy of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.
- (8) In this section “court” and “legal proceedings” have the same meanings as in the <sup>M4</sup>Civil Evidence Act 1968 [<sup>F30</sup> and “local authority” includes a joint authority [<sup>F31</sup> and a police authority established under section 3 of the Police Act 1964] . . . <sup>F32</sup>]

#### Textual Amendments

- F30** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 25**
- F31** Words in s. 229(8) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 14(a)**; S.I. 1994/2025, **art. 6** and S.I. 1994/3262, arts. 4, 5, **Sch.**
- F32** 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)

- C27** S. 229 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C28** S. 229 modified (07.08.1991) by S.I.1991/1773 art.8(2), **Sch. 2**.  
S. 229: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.  
S. 229 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
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**)
- C29** S. 229(8) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C30** S. 229(8) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

#### Marginal Citations

- M3** 1958 c. 51.  
**M4** 1968 c. 64.

## 230 Reports and returns.

- [<sup>F33</sup>(1)] Every local authority, every joint board and every joint committee of local authorities shall send the Secretary of State such reports and returns, and give him such



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information with respect to their functions, as he may require or as may be required by either House of Parliament.

[<sup>F34</sup>(2) In this section “local authority” includes a joint authority <sup>F35</sup>. . . .]

#### Textual Amendments

**F33** S. 230 renumbered as S. 230(1) as provided by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 26**

**F34** S. 230(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 26**

**F35** 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)

**C31** S. 230 modified by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 50

**C32** S. 230 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**  
S. 230 amended (28.4.1994) by S.I. 1994/2825, **reg. 18**

**C33** 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**

**C34** S. 230 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(d)**

S. 230 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(d)**

**C35** S. 230(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**

**C36** 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

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authority, the chairman or an officer of a local authority or a parish meeting or the chairman of a parish meeting.

[<sup>F36</sup>(4) In this section “local authority” includes a joint authority [<sup>F37</sup> and a police authority established under section 3 of the Police Act 1964] . . . <sup>F38</sup>.]

#### Textual Amendments

- F36** S. 231(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 27**
- F37** Words in s. 231(4) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 14(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, arts. 4, 5, **Sch.**
- F38** 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)

- C37** S. 231 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C38** S. 231 modified (07.08.1991) by S.I.1991/1773 art.8(2), **Sch. 2**  
S. 231: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**  
S. 231 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2))  
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)
- C39** S. 231(1) extended by Local Land Charges Act 1975 (c. 76, SIF 98:2), s. 9(2) and by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1), s. 106, **Sch. 21 para. 10**
- C40** S. 231(4) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C41** S. 231(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

## 232 Public notices.

- (1) Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—
- (a) by posting the notice in some conspicuous place or places within the area of the local authority; and
  - (b) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

[<sup>F39</sup>(1A) In subsection (1) above “local authority” includes a joint authority [<sup>F40</sup> and a police authority established under section 3 of the Police Act 1964] . . . <sup>F41</sup>.]

- (2) This section shall apply to a public notice required to be given by the chairman of a parish meeting as it applies to public notices required to be given by a parish council.

#### Textual Amendments

- F39** S. 232(1A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 28**
- F40** Words in s. 232(1A) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 14(c)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, arts. 4, 5, **Sch.**
- F41** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

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

- C42** S. 232 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C43** S. 232 modified (07.08.1991) by S.I.1991/1773 art.8(2),2  
S. 232: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**  
S. 232 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)  
S. 232 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**  
S. 232 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**  
S. 232 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**)
- C44** S. 232(1A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C45** S. 232(1A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

**233 Service of notices by local authorities.**

- (1) Subject to subsection (8) below, subsections (2) to (5) below shall have effect in relation to any notice, order or other document required or authorised by or under any enactment to be given to or served on any person by or on behalf of a local authority or by an officer of a local authority.
- (2) Any such document may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such document may—
  - (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 26 of the <sup>M5</sup>Interpretation Act 1889 (service of documents by post) in its application to this section, the proper address of any person to or on whom a document is to be given or served shall be his last known address, except that—
  - (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (5) If the person to be given or served with any document mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 26 of the <sup>M6</sup>Interpretation Act 1889 as his proper address.

(6) ..... F42

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- (7) If the name or address of any owner, lessee or occupier of land to or on whom any document mentioned in subsection (1) above is to be given or served cannot after reasonable inquiry be ascertained, the document may be given or served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.
- (8) This section shall apply to a document required or authorised by or under any enactment to be given to or served on any person by or on behalf of the chairman of a parish meeting as it applies to a document so required or authorised to be given to or served on any person by or on behalf of a local authority.
- (9) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court.
- (10) Except as aforesaid and subject to any provision of any enactment or instrument excluding the foregoing provisions of this section, the methods of giving or serving documents which are available under those provisions are in addition to the methods which are available under any other enactment or any instrument made under any enactment.
- [<sup>F43</sup>(11) In this section “local authority” includes a joint authority [<sup>F44</sup>and a police authority established under section 3 of the Police Act 1964] . . . <sup>F45</sup>.]

#### Textual Amendments

- F42** S. 233(6) repealed by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **Sch. 2**
- F43** S. 233(11) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 29**
- F44** Words in s. 233(11) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 14(d)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, arts. 4, 5, **Sch.**
- F45** 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)

- C46** S. 233 extended by Housing Act 1974 (c. 44), **s. 126(6)**; saved (prosp.) by Reservoirs Act 1975 (c. 23), **ss. 15(4), 29(1)**
- C47** S. 233 applied by S.I. 1978/932, **art. 16** and by S.I. 1990/582, **reg. 47(2)**
- C48** S. 233 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(g)**
- C49** S. 233 modified (07.08.1991) by S.I.1991/1773 art.8(2), **Sch. 2**  
S. 233: certain functions transferred (07.08.1991) by S.I.1991/1773, art.8, **Sch.2**  
S. 233 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(g)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 233 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(e)**  
S. 233 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)
- C50** S. 233(11) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(n)**
- C51** S. 233(11) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(n)**

#### Marginal Citations

- M5** 1889 c. 63.  
**M6** 1889 c. 63.

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## 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.

[<sup>F46</sup>(4) In this section “local authority” includes a joint authority [<sup>F47</sup>and a police authority established under section 3 of the Police Act 1964] . . . <sup>F48</sup>.]

### Textual Amendments

**F46** S. 234(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 30**

**F47** Words in s. 234(4) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 14(e)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, arts. 4, 5, **Sch.**

**F48** 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)

**C52** S. 234 amended by S.I. 1989/1815, **art. 2, Sch. 1 para. 5(d)**

**C53** S. 234 modified (07.08.1991) by S.I.1991/1773 art.8(2), **Sch. 2**

S. 234: certain functions transferred (07.08.1991) by S.I.1991/1773, **art. 8, Sch. 2**

S. 234 applied (*emp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**

S. 234 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**)

**C54** S. 234(4) amended by S.I. 1985/1884, **art. 10, Sch. 3 para. 1(n)**

**C55** S. 234(4) modified by S.I. 1987/2110, **art. 2(2), Sch. 1 para. 3(n)**

## Byelaws

## 235 Power of councils to make byelaws for good rule and government and suppression of nuisances.

- (1) The council of a district [<sup>F49</sup>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 [<sup>F50</sup>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.

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- (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.

#### Textual Amendments

**F49** 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**

**F50** 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)

**C56** 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

**C57** S. 235 functions made exercisable concurrently (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1777), {art. 25(2)(xii)}  
S. 235 functions made exercisable concurrently (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I 2004/1778), {art. 25(2)(xii)}

## 236 Procedure etc., for byelaws.

- (1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority under this Act [<sup>F51</sup>and to byelaws made by a local authority, [<sup>F52</sup>or a metropolitan county passenger transport authority] under any other enactment and conferring on the authority] a power to make byelaws and for which specific provision is not otherwise made.
- (2) This section shall not apply to byelaws made . . . <sup>F53</sup> by the Civil Aviation Authority under [<sup>F54</sup>section 29 of the Civil Aviation Act 1982].
- (3) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.
- (6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.



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- (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 [<sup>F55</sup>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.

[<sup>F56</sup>(10A) Subsection (10) above does not apply to a principal council in Wales.]

- (11) In this section the expression “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

#### Textual Amendments

- F51** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 31(1)**
- F52** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 45**
- F53** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F54** Words substituted by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **Sch. 15 para. 11**
- F55** 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**
- F56** 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**

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

- C58** S. 236 applied by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), s. 98(2).  
S. 236 modified by S.I. 1986/143, **regs. 2(1), 3(1)**.  
S. 236 applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), s. 66(5) (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4)).  
S. 236: ss. 236-238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**.  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).  
S. 236 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
S. 236 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**Status:** Point in time view as at 01/04/1996. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government Act 1972, Part XI is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- S. 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)**
- C59** S. 236(3)-(8) modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.
- S. 236(3)-(8): certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.
- S. 236(3)-(8) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1); ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**.
- S. 236(3)-(8) modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
- S. 236(3)-(8): certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.
- S. 236(3)-(8) applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39).
- S. 236(3)-(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 236(3)-(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 236(3)-(8)(11) applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**
- S. 236(3)-(8) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(a)**
- S. 236(3)-(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 236(3)-(8) applied (30.8.1994) by S.I. 1994/2298, **art. 30**
- S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 236(3)-(8) applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
- S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**
- S. 236(3)-(8) applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
- C60** S. 236(7) applied (with modifications) (8.7.1996) by S.I. 1996/1627, **art. 23(5)**
- S. 236(7) modified (20.5.1998) by S.I. 1998/1209, **art. 12(2)**
- S. 236(7) applied (with modifications)(21.7.1994) by 1994 c. xiii, **s. 10(2)**
- S. 236(7) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(b)**
- S. 236(7) applied (with modifications)(30.8.1994) by S.I. 1994/2298, **art. 30**
- C61** S. 236(8) extended with modifications by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), **s. 65(7)**
- C62** 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)
- C63** S. 236(11) applied with modifications by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 236(3)-(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9).
- S. 236(3)-(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 236(3)-(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 236(3)-(8)(11) applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**
- S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**

VALID FROM 27/01/2010

## <sup>F57</sup> 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.

**Status:** Point in time view as at 01/04/1996. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government Act 1972, Part XI is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) The regulations may, in particular, include provision about—
  - (a) consultation to be undertaken before a byelaw is made,
  - (b) publicising a byelaw after it is made.
- (4) The regulations may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

#### Textual Amendments

**F57** 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)

**C64** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), **regs. 1(2)**, **31(2)** (with **reg. 125**)

### [<sup>F58</sup> 236B Revocation of byelaws

- (1) This section applies to—
  - (a) a local authority;
  - (b) the Greater London Authority;
  - (c) Transport for London;
  - (d) a metropolitan county passenger transport authority.
- (2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.
- (3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.
- (4) The confirming authority in relation to a byelaw made under this section shall be—
  - (a) in relation to a byelaw made by a local authority in Wales, the Welsh Ministers;
  - (b) in relation to any other byelaw, the Secretary of State.

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- (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.]

#### **Textual Amendments**

- F58** S. 236B inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 134**, 245(5); S.I. 2010/112, **art. 2(f)**

### **237 Offences against byelaws.**

Byelaws to which section 236 above applies may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

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

- C65** 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)
- C66** 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
- C67** S. 237 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
- C68** S.237:ss.236-238 applied (12.3.1991) by S.I.1991/993, **art.3(3)**

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- Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).
- C69** 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**.
- C70** S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), **Sch.2**.  
S. 237: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, **Sch.2**.  
S. 237 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**  
S. 237 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
S. 237 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 237 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**  
S. 237 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**  
S. 237 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**  
S. 237 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)
- C71** S. 237 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(f)**  
S. 237 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(f)**
- C72** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), ss. 50(7), 56 (with s. 60))

VALID FROM 27/01/2010

### <sup>F59</sup>**237A Fixed penalty notices**

- (1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (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

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- (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.

#### Textual Amendments

**F59** 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)



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

**C73** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

**237B Amount of fixed penalty**

- (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).

**Textual Amendments**

**F59** 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)**

**C74** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

VALID FROM 27/01/2010

**237C Power to require name and address in connection with fixed penalty**

- (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.

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(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this section, “authorised officer” has the same meaning as in section 237A.]

#### Textual Amendments

**F59** 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)

**C75** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

#### [<sup>F60</sup> 237D Use of fixed penalty receipts

- (1) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 237A.
- (2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.
- (3) A “relevant nuisance” is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made.]

#### Textual Amendments

**F60** 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)

**C76** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

#### [<sup>F61</sup> 237E Guidance relating to sections 236A and 237A to 237D

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

- (a) procedure for which provision is made by regulations under section 236A(1);
- (b) fixed penalties;
- (c) anything related to the matters mentioned in paragraph (a) or (b).]

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#### Textual Amendments

**F61** S. 237E inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 132, 245(5); S.I. 2010/112, art. 2(d)

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

**C77** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

VALID FROM 27/01/2010

#### [<sup>F62</sup>237F Further provision about regulations and orders under section 237A or 237B

- (1) Regulations under section 237A or 237B, and an order under section 237B, may make—
- such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - different provision for different areas, including different provision for different localities and for different authorities.
- (2) A statutory instrument containing—
- regulations under section 237A or 237B which amend or repeal any provision of an Act, or
  - an order under section 237B which amends or repeals any provision of an Act,
- may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F62** S. 237F inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(2), 245(5); S.I. 2010/112, art. 2(b)

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

**C78** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

### 238 Evidence of byelaws.

The production of a printed copy of a byelaw purporting to be made by a local authority [<sup>F63</sup>, [<sup>F64</sup> or a metropolitan county passenger transport authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

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- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

#### Textual Amendments

- F63** 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)
- F64** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 Pt. II para. 46**

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

- C79** S. 238 extended with modifications by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), s. 65(7)
- C80** S. 238 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
- C81** S. 238 applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**
- S. 238 applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39).
- S. 238 applied (with modifications) (5.11.1993) by 1993 c. 42, s. 16(8) (with s. 30(1), Sch. 2 para. 9).
- S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9).
- S. 238 modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)**
- S. 238 applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**
- S. 238 applied (21.7.1994) by 1994 c. xiii, s. 10(1)
- S. 238 applied (30.8.1994) by S.I. 1994/2298, **art. 30**
- S. 238 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**
- S. 238 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**
- S. 238 applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**
- S. 238 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 238 applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**
- S. 238 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
- S. 238 applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**
- C82** S.238:ss.236-238 applied (12.3.1991), by S.I.1991/993, **art. 3(3)**
- Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)
- C83** S. 238 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.
- S. 238: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch. 2**.
- C84** S. 238 modified (10.01.1992) by S.I.1991/2913, art.8(2), **Sch.2**.
- S. 238: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, **Sch.2**.
- S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- S. 238 applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**
- S. 238 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**
- S. 238 applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**
- S. 238 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**
- S. 238 applied (30.1.2001) by 2000 c. 37, ss. 17(5), 103(2) (with s. 43)

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### 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.
- [<sup>F65</sup>(4A) The powers conferred on a local authority by sub-section (1) above shall also be exercisable by a joint authority, <sup>F66</sup>. . .]
- (5) No payment shall be made by a [<sup>F67</sup>an authority] to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

#### Textual Amendments

- F65** S. 239(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(1)**
- F66** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F67** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 32(2)**

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

- C85** S. 239 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(h)**  
S. 239 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(h)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 239 extended (with modifications)(19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 7(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
S. 239: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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- C86** 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](#)
- C87** 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 <sup>M7</sup>Statutory Orders (Special Procedure) Act 1945, the following provisions shall have effect—
- (a) before the order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate;
  - (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as he may direct and at which all persons interested shall be permitted to attend and make objections.



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- (4) Any order mentioned in subsection (1) or (3) above may repeal, revoke, modify or amend any Act confirming a provisional order or any order which has been subject to parliamentary procedure.
- (5) At any time before submitting any order mentioned in subsection (1) or (3) above to Parliament, the Secretary of State may revoke the order, either wholly or in part.
- (6) The making of any order mentioned in subsection (1) or (3) above shall be prima facie evidence that all the requirements of this section and any other enactment with respect to the steps to be taken before the making of the order have been complied with.
- (7) Subsections (3) to (6) above shall be included among the enactments which may be adapted or modified by an Order in Council under section 8(3) of the <sup>M8</sup>Statutory Orders (Special Procedure) Act 1945.

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

**C88** S. 240 modified by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), **ss. 4(4)(a)**, 79

**C89** S. 240 amended (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

**C90** 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.](#)

**C91** S. 240(2) modified (10.01.1992) by [S.I.1991/2913, art.8\(2\), Sch.2.](#)

S. 240(2): certain functions transferred (10.01.1992) by [S.I.1991/2913, art.8, Sch.2.](#)

**Marginal Citations**

**M7** 1945 c. 18 (9 & 10 Geo. 6).

**M8** 1945 c. 18 (9 & 10 Geo. 6).

**241 Power to apply provisions of Act to joint boards, etc.**

Where any enactment, whether passed before or after 1st April 1974, authorises the formation by a provisional or other order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act.

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

**C92** 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.

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## 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 <sup>F68</sup> . . . paragraph 18 or 34 of Schedule 12 to this Act [<sup>F69</sup> and applies also to sections <sup>F70</sup> . . . , 31 and 32 of the Local Government Act 1985].
- (3) [<sup>F71</sup>Where under subsection (4) below] the day of a poll consequent on a parish or community meeting is postponed, the day to which it is postponed shall be treated for the purposes of this Act as the day <sup>F72</sup> . . . of the poll, <sup>F72</sup> . . .
- (4) In computing any period of time for the purpose of any rules mentioned in subsection (2) above or for the purposes of <sup>F73</sup> . . . 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice <sup>F74</sup> . . . 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.

### Textual Amendments

- F68** Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), **Sch. 9 Pt. II**
- F69** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 33**
- F70** 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**
- F71** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)(a)**, 29
- F72** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), **ss. 19(6)(a)**, 28, 29, Sch. 5
- F73** Words repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**
- F74** 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)

- C93** 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)
- C94** 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

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all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.

- (2) If any question arises whether subsection (1) above applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final.

VALID FROM 03/07/2000

**[<sup>F75</sup>244A Application 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.]

**Textual Amendments**

- F75** S. 244A inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 21** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

**Status:**

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**Changes to legislation:**

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