



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Miscellaneous

41 Evidence of resolutions and minutes of proceedings etc.

- (1) A document which—
- (a) purports to be a copy of—
 - (i) a resolution, order or report of a local authority or a precursor of a local authority, or
 - (ii) the minutes of the proceedings at a meeting of a local authority or a precursor of a local authority; and
 - (b) bears a certificate purporting to be signed by the proper officer of the authority or a person authorised in that behalf by him or the authority and stating that the resolution was passed or the order or report was made by the authority or precursor on a date specified in the certificate or, as the case may be, that the minutes were signed in accordance with paragraph 41 of Schedule 12 to the ^{M1}Local Government Act 1972 or the corresponding provision specified in the certificate of the enactments relating to local government which were in force when the minutes were signed,
- shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the resolution, order, report or minutes in question.
- (2) In the preceding subsection references to a local authority, except the first and second references in paragraph (b), include references to a committee of a local authority and a sub-committee of such a committee and references to a precursor of a local authority

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include references to a committee of such a precursor and a sub-committee of such a committee.

[^{F1}(2A) In the case of a local authority which are operating executive arrangements, a document which—

- (a) purports to be a copy of a record of any decision made by the executive of that authority, [^{F2}or a member of that executive] or any person acting on behalf of that executive, where that record is required to be kept or produced by section 22 of the Local Government Act 2000 or any regulations made under that section ^{M2}; and
- (b) bears a certificate purporting to be signed by the proper officer of the authority or by a person authorised in that behalf by him or any other person who, by virtue of regulations made under section 22 of the Local Government Act 2000, is authorised or required to produce such a record, stating that the decision was made on the date specified in the certificate by that executive, or as the case may be, [^{F3}by the member of that executive or] by the person acting on behalf of that executive,

shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the decision in question.]

[^{F4}(2B) Subsection (2C) applies to a record if—

- (a) it records a decision made or action taken by a member of a local authority or of a precursor of a local authority in exercise of a function of the authority or precursor by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, and
- (b) it is required to be made by regulations under section 100EA of the Local Government Act 1972.

(2C) If a document which purports to be a copy of a record to which this subsection applies bears a certificate—

- (a) purporting to be signed by—
 - (i) the proper officer of the local authority, or
 - (ii) a person authorised in that behalf by that officer or by the local authority, and
- (b) stating that the decision was made or the action was taken by the member of the local authority on the date specified in the certificate,

the document shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the decision, or nature of the action, in question.]

(3) A document which—

- (a) purports to be a copy of an instrument by which the proper officer of a local authority appointed a person to be an officer of the authority or authorised a person to perform functions specified in the instrument; and
- (b) bears a certificate purporting to be signed as mentioned in subsection (1)(b) of this section and stating that the document is a copy of the instrument in question,

shall be evidence in any proceedings of the fact that the instrument was made by the said proper officer and of the terms of the instrument.

(4) In the preceding provisions of this section “precursor”, in relation to a local authority, means any authority which has ceased to exist but which when it existed was

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constituted, in pursuance of the enactments relating to local government which were then in force, for an area any part of which is included in the area of the local authority.

Textual Amendments

- F1** S. 41(2A) inserted (E.W.) (11.7.2001 (E.), 1.4.2002 (W.)) by S.I. 2001/2237, arts. 2(c), 11(1)(a); S.I. 2002/808, **art. 11(1)(a)**
- F2** Words in s. 41(2A)(a) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 237(3)(a), 245**; S.I. 2008/3110, **art. 2(i)**
- F3** Words in s. 41(2A)(b) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 237(3)(b), 245**; S.I. 2008/3110, **art. 2(i)**
- F4** S. 41(2B)(2C) inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 237(3)(c), 245**; S.I. 2008/3110, **art. 2(i)**

Modifications etc. (not altering text)

- C1** S. 41: power to transfer functions conferred by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), **ss. 3(2)(c)(iii), 79**
S. 41: power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (c)(v)**; S.I. 1997/1930, **art. 2(2)(m)**
- C2** S. 41 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(g)**
- C3** S. 41: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), **Sch. 2**
S. 41: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 2**
- C4** S. 41 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**
S. 41 modified (10.1.1992) by S.I. 1991/2913, art. 8(2)(3), **Sch. 2**
- C5** S. 41 extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 20(f)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
S. 41 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C6** S. 41 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(3)**
S. 41 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(3)**
- C7** S. 41 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C8** S. 41 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C9** S. 41 modified (E.) (6.4.2010) by The Southampton Port Health Authority Order 2010 (S.I. 2010/1218), arts. 1(1), 4, **Sch.**
- C10** S. 41 modified (E.) (6.4.2010) by The Cornwall Port Health Authority Order 2010 (S.I. 2010/1215), arts. 1(1), 4, **Sch.** (with art. 2)
- C11** S. 41 modified (E.) (6.4.2010) by The Bristol Port Health Authority Order 2010 (S.I. 2010/1214), arts. 1, 4, **Sch.**
- C12** S. 41 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 9, **Sch. 2**
- C13** S. 41 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**
- C14** S. 41 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**
- C15** S. 41 functions transferred and modified (E.) (14.6.2016) by The River Tees Port Health Authority Order 2016 (S.I. 2016/644), arts. 1(1), 9, **Sch. 2**
- C16** S. 41 functions etc. assigned to the port health authority and modified (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 9, **Sch. 2** (with art. 9(3))

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C17 S. 41 modified by S.I. 2020/442, Sch. para. 1 (as inserted (W.) (21.7.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/653\)](#), regs. 1(2), **5(2)**)

Marginal Citations

M1 1972 c. 70.

M2 See the [Local Authorities \(Executive Arrangements\) \(Access to Information\) \(England\) Regulations 2000 \(S.I. 2000/3272\)](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 4](#)