



Local Government Act 1958

1958 CHAPTER 55

PART II

REVIEWS OF LOCAL GOVERNMENT AREAS IN ENGLAND AND WALES

County Reviews

28 Holding of reviews by county councils

- (1) It shall be the duty of each county council in England and Wales to review the circumstances of the county districts within the county and to make such proposals as are hereinafter authorised for effecting changes appearing to the county council desirable in the interests of effective and convenient local government.
- (2) A county council shall proceed, as respects the county or any part thereof, to carry out the duty imposed by the foregoing subsection so soon as it appears to the council, or they are notified by the Minister, that the proceedings under the foregoing provisions of this Part of this Act in relation to the county or part have been carried to the point at which it is practicable for the council to proceed under this section.
- (3) Subject to the provisions of this section, the changes which may be put forward in proposals of a county council are changes to be produced by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):
 - (a) any such means as are specified in paragraphs (a) to (e) of section nineteen of this Act;
 - (b) the inclusion of a non-county borough in a rural district;
 - (c) the alteration of the area of a borough so included or of a parish;
 - (d) the constitution of a new parish by the amalgamation of parishes, by the aggregation of parts of areas within the same rural district, or by the separation of part of an area;
 - (e) the abolition of a parish;

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- (f) the grouping of two or more parishes under a common parish council.
- (4) As respects any part of the county comprised in a special review area, or treated under subsection (2) of section twenty-five of this Act as so comprised, the county council shall not have power to propose any change authorised by paragraph (a) of the foregoing subsection.
- (5) The Seventh Schedule to this Act shall apply to boroughs included in rural districts.
- (6) Subsection (1) of this section shall not apply to the administrative county of London, and shall not apply to any other part of the metropolitan area except in so far as Her Majesty may by Order in Council apply that subsection thereto.

29 Procedure on county reviews

- (1) In carrying out their review of the whole or part of the county, a county council shall consult with the councils of the several county districts situated within the county or part, as the case may be, and shall confer with representatives of those councils.
- (2) Forthwith after the review is completed, the county council shall submit to the Minister a report on the review together with the proposals as to the changes, if any, which they consider desirable, and shall send copies of the report and any proposals to the councils of the county districts in the area to which the review related, and shall publish in one or more local newspapers circulating in those county districts a notice that the report has been submitted to the Minister, stating whether any proposals have been made and that copies of the report and any proposals are available for inspection at a specified place within the county, and that representations with respect to any proposals may be made to the Minister within two months of the publication of the notice.
- (3) The Minister may direct the county council, in carrying out the review, to include in their report observations on any matter specified in the direction, whether or not they make proposals with respect to that matter.
- (4) The Minister shall consider any proposal submitted to him by the county council and any representations with respect thereto which have been made by the council of any borough or urban or rural district or parish council or parish meeting, or by any local government electors, being a council, meeting or electors affected thereby, and may then if he thinks fit make an order giving effect to the proposals or any of them, with or without modifications:

Provided that if an objection with respect to any proposal is made by any such council or meeting as aforesaid affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.

- (5) The Minister may direct the county council to submit their report by a date specified in the direction.
- (6) If it appears to the Minister, after consultation with such authorities as appear to him to be concerned, that there is a *prima facie* case for making any change within the powers of a county council on the review, and that the county council have failed to make a proposal for the purpose, the Minister shall publish in one or more local newspapers circulating in the county districts affected a notice stating—
 - (a) that he has it under consideration to make the change;

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- (b) that a copy of his proposals is open to inspection at a specified place within the county ; and
- (c) that representations with respect thereto may be made to him within two months of the publication of the notice;

and the Minister, after considering any representations duly made, and, if any objections are made by the county council or the council of a borough or urban or rural district or a parish council or parish meeting and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient:

Provided that where the county council have not submitted proposals they shall not be treated for the purposes of this subsection as having failed to make any particular proposal unless the Minister has fixed a date for the purposes of the foregoing subsection and that date has passed.

30 Power of Minister to direct holding of county review by Commission

- (1) If, after consideration of the report and any proposals of a county council submitted to him on their review under section twenty-eight of this Act, and after consultation with every local authority appearing to him to be concerned.—
 - (a) the Minister is of opinion that for the purpose of securing the effective and convenient organisation of local government in the county changes are required such as it is within the powers of the county council under section twenty-eight of this Act to propose, and either
 - (b) the county council have submitted no proposals, or
 - (c) the Minister is not satisfied that the proposals submitted, either as submitted or subject to modifications, are apt for the said purpose,the Minister may direct that the Commission shall hold the like review as was required to be held by the county council.
- (2) Before holding a review under this section the Commission shall confer with the county council, and the county council shall be included among the local authorities to whom copies of any proposals are to be sent and whose representations are to be considered and may involve the holding of a local inquiry.
- (3) Subsection (3) of section twenty-eight of this Act and, subject to the foregoing subsection, section twenty-nine of this Act shall apply in relation to reviews held by the Commission under this section as they apply in relation to reviews held by county councils.

31 Subsequent county reviews

- (1) At any time after the expiry of a ten-year period the Minister may direct a county council to hold a further review, and thereupon subsections (1) and (3) of section twenty-eight, and section twenty-nine, of this Act shall apply in relation to the county council, subject however to the modification that the county council shall not submit their report and proposals to the Minister until after consultation with the council of any county borough adjoining the county, and—
 - (a) the Minister shall give to any such county borough council an opportunity of laying before him their views on the proposals made by the county council;
 - (b) the proposals may, if the council of the county borough concerned agree, include proposals for the transference of part of the area of the borough to

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the county or of part or the whole of any county district in the county to the borough.

- (2) In the foregoing subsection the reference to a ten-year period shall be construed as a reference to a period of ten years beginning with the submission to the Minister of the report and proposals on the previous or last previous review of the county or a part thereof.
- (3) This section shall not apply to the administrative county of London.

32 County reviews: consequential provisions as to joint boards

Where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on a review held under section twenty-eight, thirty or thirty-one of this Act, being provisions for changing the area or status of any local authority, it is expedient to dissolve, or vary the constitution, functions or area of, a joint board constituted under any enactment other than this Act, the appropriate Minister may by order dissolve the board or, as the case may be, make the variation; and section twenty-seven of this Act shall apply in relation to a joint board of which the constitution, functions or area have been varied by an order under this section as it applies in relation to the joint boards mentioned in that section.

33 Application of ss. 28 and 31 to special cases

- (1) Sections twenty-eight and thirty-one of this Act shall have effect subject to the following subsections in the cases to which those subsections respectively apply.
- (2) The council of a county constituted by order under this Part of this Act shall proceed to carry out the duty imposed by subsection (1) of the said section twenty-eight as soon as may be after the coming into operation of the order, and nothing in subsection (2) of that section shall be taken to apply to such a council.
- (3) Where subsection (1) of the said section twenty-eight becomes applicable to any area by virtue of an Order in Council under subsection (6) of that section, the council of the county in which the area or any part thereof is comprised shall, subject to the following subsection, proceed to carry out the said duty as soon as may be after the coming into operation of the Order, and—
 - (a) the review may include any other part of the county notwithstanding that the council have already reviewed it under the said section twenty-eight;
 - (b) nothing in subsection (2) of that section shall be taken to apply to the council.
- (4) In the case of a county—
 - (a) which is constituted by order under this Part of this Act, or of which the area is altered by such an order, so that (in either case) the county lies wholly within a special review area and comprises no rural districts, or
 - (b) which is constituted by order under section one hundred and forty of the Act of 1933 made after the commencement of this Act,

subsection (1) of section twenty-eight of this Act shall not apply except by virtue of a direction under section thirty-one thereof, and the said section thirty-one shall apply as if a review of the county had already been held and the report and proposals thereon had been submitted to the Minister on the date of the coming into operation of the order mentioned in paragraph (a) or (b) of this subsection, as the case may be.

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- (5) If effect is given to a proposal under this Part of this Act to include the Isles of Scilly in an administrative county, subsection (1) of section twenty-eight of this Act shall not apply to that part of the county except by virtue of a direction under section thirty-one thereof.