



Local Government Act 1958

1958 CHAPTER 55

PART II

REVIEWS OF LOCAL GOVERNMENT AREAS IN ENGLAND AND WALES

Reviews by Local Government Commissions

17 The Local Government Commissions

- (1) There shall be a Local Government Commission for England and a Local Government Commission for Wales, which shall be charged as respects England, exclusive of the metropolitan area, and Wales respectively with the duty of reviewing the organisation of local government—
 - (a) in the areas specified in the Third Schedule to this Act (hereinafter referred to as "special review areas"),
 - (b) in the remainder of England (exclusive of the metropolitan area) or Wales, as the case may be,and of making such proposals as are hereinafter authorised for effecting changes appearing to the Commissions desirable in the interests of effective and convenient local government.
- (2) If the Commission make a representation in that behalf, the Minister may by order direct that the Third Schedule to this Act shall have effect as if there were specified therein any such additional special review area in England as may be defined by the order, being the area specified in the representation or that area with such additions thereto or deletions therefrom as the Minister may determine to be expedient; but no one order under this subsection shall provide for more than one additional special review area.
- (3) The provisions of the Fourth Schedule to this Act shall have effect as to the constitution of the Commissions and otherwise in relation to them and their members.
- (4) In this Act "the metropolitan area" means the area specified in the Fifth Schedule to this Act.

- (5) In this Part of this Act " the Commissions " means the Commissions established by this section, and " the Commission " means the Local Government Commission for England in relation to England, and the Local Government Commission for Wales in relation to Wales.
- (6) For the purposes of this Part of this Act Monmouthshire shall be deemed to be part of Wales.

18 General scope of Commission's proposals

The changes which may be put forward in proposals of the Commission on the review of any area 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) the alteration of the area of an administrative county or county borough (including the abolition of any county district in the course of the extension of a county borough);
- (b) the constitution of a new administrative county by the amalgamation of two or more areas, whether counties or county boroughs, or by the aggregation of parts of such areas or the separation of a part of such an area;
- (c) the constitution of a new county borough by the amalgamation of two or more boroughs (whether county or non-county), the conversion of a non-county borough or urban district into a county borough, or the division of an existing county borough into parts and the constitution of all or any of the parts a county borough;
- (d) the abolition of an administrative county or county borough and the distribution of its area among other areas, being counties or county boroughs
- (e) the conversion of a county borough into a non-county borough and its inclusion in an administrative county;
- (f) the inclusion of the Isles of Scilly, as one or more county districts, in an administrative county.

19 Scope of proposals for special review areas

In relation to proposals on the review of a special review area, the foregoing section shall have effect as if the following paragraphs were added thereto:—

- (a) the alteration of the area of a county district;
- (b) the constitution of a new non-county borough by the amalgamation of a non-county borough with one or more other county districts ;
- (c) the constitution of a new urban or rural district by the amalgamation of areas being urban or rural districts or by the aggregation of parts of county districts or the separation of a part of a county district;
- (d) the abolition of an urban district or rural district;
- (e) the conversion of a rural district into an urban district or of an urban district into a rural district.

20 Special review areas: distribution of functions

- (1) Where it appears to the Commission, and it is so stated in their report, that the nature of a special review area or a part of it is such that the organisation of local

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government therein should take the form of a continuous county, but that there should be a redistribution of functions as between the county council and the councils of the county districts in the county, the Commission may put forward proposals for—

- (a) the exercise of county functions by the councils of the said county districts or any of them,
- (b) the exercise of district functions by the county council, either as respects the whole or as respects a part of the county.

- (2) In this section "continuous county" means a county within the extent of which there are no county boroughs, and in this Act—

"county functions" means functions which under the general law are exercisable by a county council, and includes the establishment, maintenance and administration of a police force and any other functions of the Standing Joint Committee,

"district functions" means functions which under the general law are exercisable by councils of county districts or of county districts of any description.

21 Procedure for Commission's reviews

- (1) In determining the order in which reviews are to be carried out of special review areas, the Commission shall comply with any directions of the Minister.
- (2) As respects the review by the Commission of the organisation of local government outside special review areas.—
- (a) the Minister may direct the Commission to hold separate reviews for such areas as may be specified in the direction;
 - (b) subject to any such direction the Commission may hold such reviews separately for such areas as they may determine;
 - (c) in holding separate reviews the Commission shall comply with any directions of the Minister as to the order in which the reviews are to be held.
- (3) In holding a review of any area, the Commission shall investigate the circumstances of local government in the area and consult with all local authorities in the area and with all such other public authorities and bodies of persons as appear to the Commission to be concerned, and shall then either—
- (a) prepare draft proposals and furnish copies thereof to those authorities and bodies, or
 - (b) if the Commission have not formed the opinion that there are changes which are desirable in the interests of effective and convenient local government, shall notify the said authorities and bodies that they have no draft proposals to put forward,

and in either case shall specify a time within which any representations with respect to the draft proposals or, as the case may be, as to the desirability of proposals being put forward by the Commission, may be made.

- (4) The Commission shall consider any representations made within the time specified under the foregoing subsection and confer with representatives of such of the authorities and bodies mentioned in that subsection as desire to be represented, and shall then formulate their proposals, if any.
- (5) The following provisions shall have effect for informing the public of the holding of reviews and the action taken by the Commission under subsection (3) of this section:—

- (a) before entering on their review of any area, the Commission shall give public notice, in such manner as appears to them sufficient for informing persons likely to be concerned, that they are proceeding to hold the review;
- (b) on furnishing to local authorities copies of their draft proposals on any review, the Commission shall give public notice as aforesaid that the copies have been furnished, stating that a copy of the draft proposals is available for public inspection at the offices of each of the local authorities in the area to which the review relates during such time (being the time within which under subsection (3) of this section representations with respect to the draft proposals may be made) as may be specified in the notice, and it shall be the duty of each local authority to whom copies of the draft proposals have been furnished to keep a copy thereof available for public inspection at their offices during that time;
- (c) if the Commission notify local authorities that they have no draft proposals to put forward, the Commission shall give public notice thereof.

22 Commission's reports to Minister

- (1) When on any review the Commission have completed their proceedings under the foregoing section, they shall submit to the Minister a report on the review together with the proposals they have formulated or, as the case may be, a notification that they have no proposals to put forward.
- (2) The report of the Commission on any review shall, if the Minister has so directed, include the Commission's observations on any matter specified in the direction, whether or not the Commission make proposals with respect to that matter.
- (3) On any review of an area outside the special review areas—
 - (a) the Minister may direct the Commission to submit a separate report on any matter on which they are reporting to him, whether or not they make proposals with respect to that matter ;
 - (b) subject to the foregoing paragraph, it shall be for the Commission to determine whether they report to the Minister on the review in one or several reports.
- (4) The Commission shall comply with any directions of the Minister as to the form in which their proposals and report on any review are to be submitted to him.
- (5) The Minister shall secure that the report of the Commission on any review, together with copies of the proposals of the Commission or, as the case may be, their notification that they have no proposals to put forward, is furnished to all local authorities in the area to which the review related and to any other public authorities appearing to him to be concerned, that public notice of the submission of the report and proposals or notification is given and facilities are provided for enabling members of the public to inspect the report and any proposals, and that a time is fixed within which representations may be made with respect to any proposals by any local or public authority or member of the public.

23 Power of Minister to give effect to proposals

- (1) Proposals of the Commission made on any review held in pursuance of section seventeen of this Act may be given effect by order of the Minister in accordance with the following provisions of this section.

- (2) If within the time fixed under subsection (5) of the foregoing section an objection is made by any local authority, parish council or police authority concerned, and is not withdrawn, the Minister shall cause a local inquiry to be held into the objection:

Provided that, except where the objection is one made by a local authority to a proposal that the area of the authority should cease to be a separate area of local government, or should become a county district, the Minister may dispense with an inquiry if he is satisfied that for the purpose of considering the Commission's proposals he is sufficiently informed as to the matters to which the objection relates.

- (3) Subject to compliance with the foregoing subsection, the Minister may if he thinks fit by order give effect to the proposals of the Commission either as submitted to him or with modifications ; and any such order shall be laid before Parliament after being made, together with the report of the Commission.
- (4) Where on the review of an area outside the special review areas the Minister gives effect (with or without modifications) to a proposal for any such change as is mentioned in paragraphs (b) to (f) of section eighteen of this Act, other than the conversion of a non-county borough or urban district into a county borough or the constitution of a new county borough by the amalgamation of two or more non-county boroughs, the Minister shall give effect thereto by an order not giving effect to any other proposals except such as appear to the Minister so connected with the first-mentioned proposal that it is requisite that effect should be given to them by the same order.
- (5) On the review of an area outside the special review areas the power of the Minister to give effect to proposals with modifications shall include power to make provision for the conversion of a non-county borough or urban district into a county borough, or the constitution of a new county borough by the amalgamation of two or more non-county boroughs (with or without, in either case, the inclusion in the new county borough of part of another county borough or the whole or part of a county district), or for the extension of the area of a county borough (including the abolition of a county district in the course of the extension), in any case where an application for the change was made to the Commission by the council of the borough or urban district or, as the case may be, of any of the boroughs to be amalgamated and an inquiry has been held with respect to the change by reason of the council having objected to the Commission's proposals on the ground that they do not include a proposal for giving effect to the application.

24 Power of Minister to initiate changes in default of proposals of Commission

- (1) If, after consideration of the report and proposals of the Commission submitted to him on any review held in pursuance of section seventeen of this Act and after consultation with all local authorities in the area to which the review related, the Minister is of opinion—
- (a) that the proposals submitted by the Commission are not, either as submitted or subject to modifications, apt for the purpose of securing the effective and convenient organisation of local government in the area reviewed, and that provision is required for that purpose, or
 - (b) that it is expedient that any particular provision should be made for that purpose, and that notwithstanding any proposals submitted by the Commission and his powers of modifying such proposals he has no power apart from this section to make that provision,

the Minister may make proposals for the said provision.

- (2) If, in a case where the Commission have notified the Minister that they have no proposals to put forward, the Minister is of opinion after consideration of the report of the Commission and of any representations made to him by any local or public authority or member of the public and after consultation with all local authorities in the area to which the review related, that provision is required for the purpose of securing the effective and convenient organisation of local government in the area reviewed, the Minister may make proposals for the said provision.
- (3) The Minister shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, of any proposals of the Minister under this section, and shall consider any representations with respect to the proposals made within such time as may be limited by the notice, and shall cause a local inquiry to be held.
- (4) After compliance with the foregoing subsection the Minister may by order give effect to the proposals, either as notified or with such modifications as appear to him expedient.
- (5) Subsection (4) of the foregoing section shall apply in relation to proposals of the Minister under this section as it applies in relation to proposals of the Commission.
- (6) Nothing in this section shall empower the Minister to make any provision which could not have been proposed by the Commission.

25 Variation of special review areas

- (1) At any time after the Commission have entered on the review of a special review area, but before they have formulated their proposals, the Minister may, by order made on the representations of, or after consultation with, the Commission, vary the area either by the exclusion of any part thereof or the inclusion therein of any area not specified in the Third Schedule to this Act.

Before making an order under this subsection the Minister shall consult with every local authority whose area, or any part of whose area, is proposed to be excluded from, or included in, the special review area.

- (2) If for the purposes of their review of a special review area it appears to the Commission expedient that the whole or any part of a county district adjoining the special review area, or of the remainder of a county district part of which is in that area, should be treated as if it were comprised in that area, they may after consultation with the councils of the county and of the county district notify the Minister and the councils of the county district and of the county within which it is comprised that they propose so to treat the county district or part, and unless within two months from the notification the Minister directs them not to do so they shall so treat the district or part and proposals may be made, and given effect to, as if it were comprised in the special review area.

Joint Boards

26 Provisions as to joint boards

- (1) Where on the review of a special review area it appears to the Commission, or to the Minister acting under section twenty-four of this Act, that for the efficient discharge of any county or district functions (including any functions of statutory water undertakers within the meaning of the Water Act, 1945) in the special review area or any part thereof, or in that area or part and any adjoining area, it is expedient that there should be a joint board, the power of the Commission or Minister to make proposals shall include power to make proposals—
 - (a) for the establishment of such a board for purposes specified in the proposals ;
 - (b) for the district for which the board is to be established ;
 - (c) for the authorities (whether or not they are or include authorities by whom the functions to be discharged by the board are dischargeable under the general law) which are to be the constituent members of the board ;
 - (d) for the undertakings (if any) which are to be transferred to the board.
- (2) The power of the Commission or Minister to make proposals on the review of a special review area shall include power to make proposals for the dissolution of a joint board constituted for any district comprised or substantially comprised in the special review area, or for the variation of the constitution, functions or area of a joint board constituted for a district any part of which is in the special review area.
- (3) Sections twenty-three and twenty-four of this Act shall have effect in relation to proposals made by virtue of the foregoing provisions of this section as if those sections, instead of providing for giving effect to proposals with or without modifications, provided respectively for approving and affirming proposals with or without modifications, and the provisions of the Sixth Schedule to this Act shall have effect in relation to such proposals.
- (4) Without prejudice to subsection (2) of this section, where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on any review held by the Commission (whether of a special review area or not), being provisions for changing the functions, 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.

27 Subsequent variation of provisions as to joint boards

Where, in the case of a joint board constituted by order under the Sixth Schedule to this Act, or a joint board of which the constitution, functions or area have been varied by an order under that Schedule or subsection (4) of the foregoing section, it appears to the appropriate Minister that the board should be dissolved or that any variation or further variation should be made in its constitution, functions or area.—

- (a) the appropriate Minister may prepare a draft order for dissolving the board or, as the case may be, making the variation, and if he does so shall send copies of the draft to the board, to its constituent members, and to any other local or public authority appearing to the appropriate Minister to be concerned ;
- (b) the appropriate Minister shall consider any representations made to him with respect to the draft within such period as he may have specified in sending

out the draft, and may then make an order either in the terms of the draft or subject to such modifications as he thinks proper.

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;
 - (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;
 - (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

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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 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.
- (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.

General provisions relating to Part II

34 Constitution of county boroughs: presumption as to size

In so far as the question of the constitution of a new county borough is affected by considerations of population, the Commission and the Minister shall presume that a population of one hundred thousand is sufficient to support the discharge of the functions of a county borough council.

35 Restriction on promotion of Bills for changes of local government areas or status

- (1) No local authority shall have power to promote a Bill for forming any new area of local government, or for altering, or altering the status of, any area of local government, before the expiration of fifteen years from the commencement of this Act.

- (2) Without prejudice to the foregoing subsection the council of a borough shall not promote a Bill for the purpose of constituting the borough a county borough unless the population of the borough is one hundred thousand or more.
- (3) In subsection (1) of this section " area of local government " means a county, a borough, an urban or rural district, or a parish.
- (4) Subsection (1) of this section shall not apply to the administrative county of London, and Her Majesty may by Order in Council provide for excluding the operation of that subsection in relation to any other part of the metropolitan area specified in the Order.

36 Regulations as to Commission

- (1) The Minister may make regulations for the guidance of the Commission in the exercise of any of their functions under this Part of this Act, and it shall be the duty of the Commission to comply with any provision or direction contained in or having effect under the regulations.
- (2) Nothing in the provisions of this Part of this Act empowering the Minister to give directions to the Commission shall be construed as limiting the generality of the power to make regulations conferred by this section.

37 Dissolution of Commissions

When it appears to Her Majesty in Council that the functions under section seventeen of this Act of either of the Commissions have been fully performed, Her Majesty may by Order in Council provide for the dissolution of that Commission.

38 Consequential and transitional arrangements relating to Part II

- (1) An order under this Part of this Act may contain such incidental, consequential, transitional or supplementary provisions as may be necessary or proper for the purposes or in consequence of the order and for giving full effect thereto ; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Such provisions as are mentioned in the foregoing subsection may be made with respect to administrative and judicial arrangements and with respect to the transfer and management or custody of property (whether real or personal), may provide for applying, amending or repealing any Act, and may provide for any of the matters specified in paragraphs (a) to (i) of subsection (1) of section one hundred and forty-eight of the Act of 1933; and subsections (2) and (3) of that section (which respectively empower the making of provision as to electoral divisions and wards and numbers of councillors and aldermen in the case of a change of area, and the making of provision for regulating matters incidental to the grant of a commission of the peace and a court of quarter sessions in the case of a union of boroughs) shall apply to such orders as are mentioned in the foregoing subsection.
- (3) An order under this Part of this Act constituting a new borough by the amalgamation of county boroughs, the division of a county borough, or the amalgamation of a non-county borough with other county districts may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any amalgamated borough, or of the divided borough, as the case may

be, or, in the case of an amalgamation including two or more boroughs, by applying as aforesaid to the new borough provisions of charters of two or more amalgamated boroughs or the charter of one and provisions of the charter of one or more of the others.

- (4) An order under this Part of this Act converting an urban district into a county borough may make any provision which, if the borough had been constituted in pursuance of Part VI of the Act of 1933, could have been made by the charter creating it or by a scheme confirmed under that Part; and the provisions of the Municipal Corporations Act, 1882, and the provisions of the Act of 1933 relating to boroughs, shall apply to any county borough created by such an order.
- (5) In submitting their proposals under this Part of this Act the Commission or a county council may include recommendations as to the provision to be made in any order of the Minister in pursuance of subsections (1) to (4) of this section.
- (6) Any order under this Part of this Act whereby any power to run public service vehicles (within the meaning of the Road Traffic Act, 1930) would otherwise become exercisable as respects any road as respects which it would not be exercisable apart from the order shall contain provision whereby the power shall be exercisable as respects that road only with the consent of the traffic commissioners or traffic commissioner for the traffic area in which the road is situated, and the order shall provide for applying section one hundred and two of the Road Traffic Act, 1930 (which provides for the procedure on applications for the consent of traffic commissioners and for appeals from their decisions) to applications for such consent under the order.

39 Financial provisions

- (1) Sections one hundred and fifty-one and one hundred and fifty-two of the Act of 1933 (which provide for financial adjustments in consequence of the alteration of areas or authorities under that Act) shall apply to orders under this Part of this Act.
- (2) The following provisions shall have effect for enabling financial adjustments to be made where county functions become under this Part of this Act exercisable by county district councils or, as respects part only of a county, by a joint board, or where district functions become exercisable under this Part of this Act by a county council:—
 - (a) an order giving effect to proposals for the exercise of county functions by the councils of county districts or, as respects a district comprising part only of a county (whether or not it includes any other area), by a joint board, may contain provision for the making of contributions by the county council to expenditure of the county district councils or, as the case may be, of the councils of county districts in the county which are wholly or partly comprised within the district of the joint board, in respect of the functions;
 - (b) an order giving effect, as respects part only of a county, to proposals for the exercise of county functions by county district councils or a joint board may contain provisions as to what expenditure or receipts of the county council are to be treated as being for special county purposes;
 - (c) an order giving effect, as respects part only of a county, to proposals for the exercise of district functions by the county council may provide for expenditure or receipts of the county council in respect of those functions to be treated as being for special county purposes.

40 Orders etc. under Part II subject to affirmative or negative resolution

- (1) Subject to the provisions of this section,—
 - (a) no order giving effect to proposals made on a review held in pursuance of section seventeen of this Act, other than proposals made by virtue of section twenty-six of this Act,
 - (b) no order approving or affirming proposals made by virtue of the said section twenty-six,
 - (c) no order under subsection (2) of the said section seventeen, and
 - (d) no regulations under section thirty-six of this Act,shall have effect until approved by a resolution of each House of Parliament.
- (2) No Order in Council under section thirty-seven of this Act shall be submitted to Her Majesty unless a draft of the Order has been approved by a resolution of each House of Parliament.
- (3) Subsection (1) of this section shall not apply to any order giving effect only to proposals, made on the review of an area outside the special review areas, for altering the area of an administrative county or county borough (including proposals for abolishing a county district in the course of the extension of a county borough); but—
 - (a) any such order,
 - (b) any order giving effect to proposals made on a review held in pursuance of section twenty-eight, thirty or thirty-one of this Act,
 - (c) any order under subsection (1) of section twenty-five, subsection (4) of section twenty-six, section twenty-seven or section thirty-two of this Act, and
 - (d) any Order in Council under subsection (6) of section twenty-eight or subsection (4) of section thirty-five of this Act,shall be subject to annulment in pursuance of a resolution of either House of Parliament.

41 Revocation of orders

- (1) Any order of the Minister made on a review under this Part of this Act may be varied or revoked by order of the Minister made in accordance with the following provisions of this section.
- (2) The Minister shall prepare a draft of the varying or revoking order, shall send copies of the draft to such local or public authorities as appear to him to be concerned, and shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy thereof is available for inspection at a place specified in the notice and that representations with respect thereto may be made to the Minister within two months of the publication of the notice.
- (3) The Minister shall consider any representations duly made with respect to the draft and may then if he thinks fit make an order either in the form of the draft or subject to modifications, so however that if any objection to the draft is duly made by any authority appearing to the Minister to be affected thereby, and is not withdrawn, the Minister shall not make the order without first holding a local inquiry into the objection.
- (4) The foregoing section shall apply to an order under this section as it applies to the order varied or revoked.

42 Supplementary provisions as to statutory water undertakers

The powers conferred by the provisions of this Part of this Act relating to joint boards and the Sixth Schedule to this Act shall not be exercisable so as to affect the constitution, functions, area or undertaking of any statutory water undertakers not being either a local authority or a joint board of which the constituent members are all local authorities.

43 Boundaries between English and Welsh areas not to be affected

Nothing in this Part of this Act shall be construed as enabling any alteration of areas to be made so as to alter the boundary between an area in England and one in Wales.

44 Provisions as to Cinque Ports

- (1) No change of area or status effected under this Part of this Act or under section one hundred and forty-one of the Act of 1933 shall affect the continuance of the Confederation of the Cinque Ports.
- (2) An order under this Part of this Act or the said section one hundred and forty-one affecting any port or ancient town of the Confederation may make provision for securing the continued discharge of functions in relation to the Confederation (including, but without prejudice to the generality of the foregoing, provision for the preservation so far as necessary for the purposes of this section, and with or without modifications, of any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to, or in relation to the Confederation or any Court thereof may continue to be done.
- (3) Subsection (5) of section thirty-eight of this Act shall apply in relation to the foregoing provisions of this section as it applies in relation to subsections (1) to (4) of that section.

45 Saving for Prerogative

The enabling provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, the powers exercisable by Her Majesty by virtue of Her royal prerogative.