
STATUTORY INSTRUMENTS

1973 No. 1861

The Local Authorities (England) (Property etc.) Order 1973

Buildings to be replaced

22.—(1) The provisions of this article shall apply where—

- (a) at 1st April 1974 any building or part of a building is to be wholly or substantially so replaced by another building which is completed or in course of erection or for the erection of which a contract has been entered into or by part of such building;
- (b) it has been resolved by the transferor authority before the date of the making of this order that the first-mentioned building or part of a building or the site thereof is to be used for the purposes of some function other than the one for which it is held;
- (c) the nature of the building or the location of its site is such as to make it peculiarly suited for use for the purposes of such function rather than other local government purposes,

and apart from the provisions of this article the two buildings or parts of buildings would be transferred to the same authority.

(2) The transferor authority may determine that for the purposes of this order the land on which the building or part of a building first mentioned in paragraph (1) is erected shall be deemed to be held for the purposes for which by the resolution described in item (b) of that paragraph it is to be used.

(3) If notice is given by any authority concerned that they question whether (a), (b) or (c) in paragraph (1) is satisfied, the determination shall be of no effect and the question of the purpose for which the land is to be deemed to be held shall be determined by agreement between the authorities concerned or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State.