
STATUTORY INSTRUMENTS

1973 No. 1861

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

General provision as to disputes

39.—(1) Any question as to the interpretation of this order may be determined by the decision of a person agreed on by the authorities concerned or in default of agreement appointed by the Secretary of State.

(2) Where a determination required by article 10(2), (3), (4) or (5), 19(1), 20(3) or 25(1) has not been made by the transferor authority before 1st April 1974 notice that a question exists may be given before 1st April 1975 by any authority concerned.

(3) Where—

(a) at 1st April 1974—

- (i) notice has been given by any authority under article 10(6), 19(5), 20(3), 21, 22(3) or 25(1) or paragraph 3(c) of Schedule 2,
- (ii) notice has been given by any authority that the provisions of this paragraph are to have effect in relation to any property within paragraph (3), (4) or (5) of article 12 specified in the notice; or
- (iii) notice has been given by any authority that the interpretation of any provision of this order as to the transfer of any property is in dispute,

and the question has not been determined; or

(b) thereafter, but before 1st April 1975—

- (i) notice is given by any authority under any provision specified in (a)(i);
- (ii) notice is so given under paragraph (2);
- (iii) notice is so given that the provisions of this paragraph are to have effect in relation to any property within paragraph (3), (4) or (5) of article 12 specified in the notice; or
- (iv) notice is so given that the interpretation of any provision of this order as to the transfer of any property is in dispute,

then from 1st April 1974 or from the later date on which notice is given, as the case may be—

- (k) any provisions of this order as to the transfer and vesting of property shall cease to have effect in relation to the property;
- (l) article 16 shall apply to the property, and article 18 shall apply to any liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, as temporary provision pending the determination of the question;

Provided that the authorities concerned may by instrument in writing agree that any authority may in such application be substituted for the authority specified in column (2) of Part I or II of Schedule 4 in respect of the transferor authority;

- (m) where notice has been given under paragraph (2), the question shall be determined by agreement between the authorities concerned or failing such agreement by the decision

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State; and

(n) on the determination of the question whether under (m) or otherwise—

(x) the determination shall specify the authority to whom the property is to be transferred; and

(y) the provisions described in (l) shall cease to have effect, the property shall by virtue of the determination be transferred to and vest in the authority specified in the determination, and the provisions of this order which would have applied to the property if the transfer had been effected by this order shall apply to it.

(4) Any reference in any provision of this order for the decision of any question by a person shall be construed as including a reference to three persons.

(5) Section 31 of the Arbitration Act 1950 shall have effect for the purposes of the determination of any question by any person or persons under any provision of this order as if such determination were an arbitration under any other Act within the meaning of that section.