

## SCHEDULE 2

Article 9

### TRANSFER OF SPECIFIED CLASSES OF PROPERTY, ETC

1. In the following table—

(a) “county matters” and “district matters”, in relation to any transferor authority, and “parish matters”, in relation to the council of the rural district of Alston with Garrigill, Disley or Tintwistle, mean—

(i) in the case of property, property (not being excepted property) held for the purposes of functions not exercisable on and after 1st April 1974 by an authority of the relevant class in relation to the transferor authority but so exercisable by the authority specified in respect of the matters transferred in column (4) of the table in this Schedule;

(ii) in the case of liabilities, liabilities incurred in relation to such functions;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions;

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area, and “parish matters” includes, in the case of property—

(i) parish property within the meaning of the Local Government Act 1933, the proceeds of sale of such property and any securities in which such proceeds have been invested;

(ii) public walks and pleasure grounds, recreation grounds, seats and shelters, public clocks, allotments (within the meaning of the Allotments Act 1925, baths and washhouses, and village halls;

(iii) property held for burial purposes; and

(iv) property held for street lighting purposes, except any such property falling within article 6;

(b) “parish matters”, in relation to the corporation or council of any non-county borough or the council of any urban district, means—

(i) in the case of property—

(a) property held for the purposes of functions not exercisable on and after 1st April 1974 by county or district councils; and

(b) parish property within the meaning of the Local Government Act 1933, the proceeds of sale of such property and any securities in which such proceeds have been invested;

(ii) in the case of liabilities, liabilities incurred in relation to such functions or parish property;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions or parish property;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions or parish property,

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but if specified as such matters in relation to any area includes only such matters being local matters in respect of such area;

(c) “burial matters”, “national park matters”, “police matters” and “sewerage and sewage disposal matters” mean—

- (i) in the case of property, property held for the purposes of the relevant functions;
- (ii) in the case of liabilities, liabilities incurred in relation to such functions;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions; and
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

but if specified as such matters in relation to any area include only such matters being local matters in respect of such area, and for the purposes of the foregoing definitions “the relevant functions” means—

- (i) in the case of burial matters, functions under the Burial Acts 1852 to 1906;
- (ii) in the case of national park matters, functions which under Schedule 17 to the Act are to be exercised by a National Park Committee;
- (iii) in the case of police matters, functions exercisable for police purposes, including the purposes of section 81 of the Road Traffic Regulation Act 1967;
- (iv) in the case of sewerage and sewage disposal matters, functions exercisable for the purposes of sewerage and sewage disposal;

(d) “local matters”, in relation to any area, means—

- (i) in the case of property—
  - (a) subject to the provision of paragraph 3, sited property situated in; and
  - (b) other property held exclusively in respect of,

the area;

- (ii) in the case of liabilities, liabilities incurred exclusively in respect of the area;
- (iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area;
- (iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area;

(e) any reference to an area of a county included in a new county or a new district includes any county borough—

- (i) lying within the extent of such area; or
- (ii) the boundaries of which, other than boundaries with any other county (including the county of Flintshire) or county borough or the sea, are wholly boundaries with such area.

2. In paragraph 1, “excepted property” means any property within article 20(1) which is not covered by the provision of article 20(2) and “exercisable” means exercisable otherwise than by virtue of section 101 or 110 of the Act

(a) (a) In this Schedule, “sited property” means—

- (i) land;

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- (ii) buildings;
  - (iii) fittings, furniture, equipment and stores supplied in respect of a voluntary school or a controlled community home;
  - (iv) subject to the provision of article 6, lamps, lamp posts and other apparatus for public lighting.
- (b) The transferor authority may determine that any sited property shall, by reason of the fact that it is used wholly or mainly for an area other than the one in which it is situated, constitute local matters in respect of such other area.
- (c) If notice is given by any authority concerned that they are dissatisfied with any determination under sub-paragraph (b) or that a determination should have been made thereunder, the question of the area which is to be the relevant area in relation to any sited property in the application of this Schedule 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.
4. Article 12 has effect, within the meaning of items 5, 10, 11, 12, 14 and 15 in the table in this Schedule, in relation to any property, where before 1st April 1974, in respect of such property—
- an agreement has been entered into under paragraph (3), (4) or (5) of that article;
  - a determination has been given under paragraph (7) of that article;
  - notice has been given under paragraph (3) of article 39.

and in relation 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 to such property.

**TABLE**

<i>(1)</i> Item No.	<i>(2)</i> Transferor authority	<i>(3)</i> Matters transferred	<i>(4)</i> Transferee authority
1	The county council of any county	Property acquired by the county council in the exercise of their functions under the Rural Water Supplies and Sewerage Act 1944 or in making contributions to a county district council in respect of works of water supply or sewerage or sewage disposal in any area	The water authority in whose area for sewerage and sewage disposal purposes the area described in column (3) is situated
2	The County Council of Devon	National park matters in respect of the Exmoor National Park	The County Council of Somerset
3	The County Council of Yorkshire, West Riding	National park matters in relation to the area of the Yorkshire Dales National Park in Cumbria	The County Council of North Yorkshire

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<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Transferor authority</i>	<i>(3)</i> <i>Matters transferred</i>	<i>(4)</i> <i>Transferee authority</i>
4	The County Council of Yorkshire, North Riding	National park matters in relation to the area of the North York Moors National Park in Cleveland	The County Council of North Yorkshire
5	The county council of Berkshire, Buckingham, Chester, Durham, East Suffolk, East Sussex, Gloucestershire, Hampshire, Lancaster, Lincoln, Parts of Lindsey, Northumberland, Nottinghamshire, Somerset, Staffordshire, Surrey, Warwickshire, Worcestershire, Yorkshire, East Riding, Yorkshire, North Riding or Yorkshire, West Riding	District matters in relation to any area of the county included in a new district  Other local matters (not being police matters, matters as to which article 12 has effect or matters provided for in items 1, 3 and 4) in relation to any area of the county included in a new county	The council of the district in which the area is comprised  The council of the county in which the area is comprised
6.	The county council of Rutland	District matters	The District Council of Rutland
7.	The county council of any county not included in items 5 and 6	District matters in relation to any area of the county included in a new district	The council of the district in which the area is comprised
8.	The county council of any county other than Rutland	Land situated outside the county falling within the definition of district matters	The council of the district specified in respect of the county council in column (3) of Part I of Schedule 4
9.	The corporation or council of any county borough	County matters	The council of the county in which the area of the county borough is comprised
10.	The corporation or council of the county borough of Teesside	Local matters other than county matters, police matters, sewerage and sewage disposal matters or matters as to which article 12 has effect in relation to any area of the county borough included in a new district	The council of the district in which the area is comprised
11.	The corporation or council of the borough of Whitley Bay or the council of the urban district of Ashton-in-Makerfield,	County matters in relation to any area of the borough or district included in a new county	The council of the county in which the area is comprised

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(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
	Billinge-and-Winstanley, Golborne, Ramsbottom, Seaton Valley or Turton	Parish matters in relation to any area of the borough or district constituting a parish  Other local matters (not being sewerage and sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the borough or district included in a new district	The parish council of the parish  The council of the district in which the area is comprised  Land situated outside the borough or district falling within the definition of county matters  The council of the county in which the district specified in respect of the corporation or council in Part II of Schedule 4 is comprised
12.	The council of the urban district of Lakes, Queensbury and Shelf or Thurrock	County matters  Parish matters in relation to any area of the urban district constituting a parish  Other local matters (not being sewerage and sewage disposal matters or matters as to which article 12 has effect) in relation to any area of the urban district included in a new district	The council of the county in which the area of the urban district is comprised  The parish council of the parish  The council of the district in which the area is comprised
13.	The corporation or council of any non-county borough or the council of any urban district not included in items 11 and 12	County matters  Where a parish is constituted under Part V of Schedule 1 to the Act, parish matters, and the historic and ceremonial property and in particular the charters, insignia and plate, of the borough or district	The council of the county in which the area of the borough or district is comprised  The parish council of the parish
14.	The council of the rural district of Axbridge, Bridlington, Bucklow, Castle Ward, Chester-le-Street, Clutton,	County matters in relation to any area of the district included in a new county	The council of the county in which the area is comprised

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(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
	Dorking and Horley, Easington, East Retford, Eton, Hemsworth, Lothingland, Meriden, Osgoldcross, Ringwood and Fordingbridge, Skipton, Sodbury, Stokesley, Stratford-on-Avon, Tadcaster, Thornbury, Wantage, West Lancashire, Wetherby, Wharfedale, Whiston, Wigan or Worksop	Other local matters (not being sewerage and sewage disposal matters or matters in respect of which article 12 has effect) in relation to any area of the district included in a new district  Land situated outside the rural district falling within the definition of county matters	The council of the district in which the area is comprised  The council of the county in which the district of the council specified in respect or the council of the rural district in column (2) of Part II of Schedule 4 is comprised
15.	The council of the rural district of Basford, Blackburn, Blofield and Flegg, Brixworth, Burnley, Chelmsford, Chesterfield, Chichester, Croft, Cuckfield, Darlington, Dartford, Droitwich, Eastry, Epping and Ongar, Gloucester, Hertford, Kettering, Lichfield, Market Bosworth, Norman Cross, Northampton, Pershore, Preston, Runcorn, St. Albans, St. Thomas, Shifnal, South East Derbyshire, Stockton, Strood, Thirsk, Tonbridge, Watford, Wellingborough, Winchester, Winslow, Worthing or Wortley	County matters  Other local matters (not being sewerage and sewage disposal matters or matters in respect of which article 12 has effect) in relation to any area of the district included in a new district	The council of the county in which the area of the rural district is comprised  The council of the district in which the area is comprised
16.	The council of the rural district of Alston with Garrigill, Disley or Tintwistle	County matters  Parish matters	The council of the county in which the area of the district is comprised  The parish council of the parish co-extensive with the district
17.	The council of any rural district not included in items 14–16	County matters	The council of the county in which the area of the district is comprised
18.	The parish authority of any divided parish		

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(1) Item No.	(2) Transferor authority	(3) Matters transferred	(4) Transferee authority
	In the case of the divided parish of Abbots Langley, Birtley, Blagdon, Brafield-on-the Green, Burrington, Great Houghton, Harworth, Milton Malsor, Rothersthorpe, Shifnal or Sopley	(a) Burial matters	The parish councils of the parishes, or where there is no parish the council of the district, in which parts of the area of the parish are comprised
	In all cases	(b) Subject to (a), local matters in relation to any area of the parish included in any parish	The parish authority of the parish in which the area is comprised
		(c) Subject to (a), local matters in relation to any other area of the parish	The council of the district in which the area is comprised
19. The corporation or council of any borough or the council of any urban district or rural district		(a) Rights acquired or liabilities incurred in relation to the cost of construction in any area of any public sewer or sewage disposal works constructed under powers other than the Public Health Act 1936 or enactments replaced by that Act 1936 prior to its declaration as a public sewer or sewage disposal works	The authority exercising such powers in that area on and after 1st April 1974
			The water authority
			The water authority
		(b) Subject to (a), where the area of the borough, urban district or rural district is comprised in the area for sewerage and sewage disposal purposes of one water authority, sewerage and sewage disposal matters	
		(c) Subject to (a), where the area of the borough, urban district or rural district is comprised in the area for sewerage and sewage disposal purposes of two or more water authorities, sewerage and sewage disposal matters	

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<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Transferor authority</i>	<i>(3)</i> <i>Matters transferred</i> being local matters in relation to any area of the borough, urban district or rural district comprised in the area of a water authority	<i>(4)</i> <i>Transferee authority</i>
20.	The Avon and Dorset River Authority	Local matters in relation to any part of the area of the Authority included in the Wessex or South West Water Authority's area	The Wessex or South West Water Authority
21.	The Essex River Authority	Local matters in relation to any part of the area of the Authority included in the Anglian or Thames Water Authority's area	The Anglian or Thames Water Authority
22.	The Kent River Authority	Local matters in respect of functions other than land drainage in relation to any part of the area of the Authority included in the Southern or Thames Water Authority's area	The Southern or Thames Water Authority
23.	The Severn River Authority	Local matters in respect of functions other than land drainage and fisheries in relation to any part of the area of the Authority included in the Severn-Trent or Wessex Water Authority's area	The Severn-Trent or Wessex Water Authority