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STATUTORY INSTRUMENTS

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**1973 No. 1863**

**The Local Authorities (Wales) (Property etc.) Order 1973**

**Property to be deemed to be held for the purposes of statutory functions**

**20.**—(1) This article applies to—

- (a) any property held under section 125 of the Local Government Act 1933;
- (b) any land acquired under section 112, 114 or 119(1)(a) of the Town and Country Planning Act 1971 or any earlier provision corresponding to any such enactment;
- (c) any corporate land;
- (d) any land acquired under any provision empowering the acquisition of land for the benefit, improvement or development of any area and not allocated or appropriated for any statutory purpose; and
- (e) any property acquired by a local authority as a gift otherwise than for charitable purposes.

(a) (2) (a) Where any property to which this article applies is, immediately before 1st April 1974—

- (i) in the case of property referred to in paragraph (1)(a), used wholly or substantially so for the purposes of a particular function being purposes authorised by enactments other than the said section 125;
- (ii) in the case of property referred to in paragraph (1)(b), used wholly or mainly for the purposes of statutory functions other than those exercised under the Town and Country Planning Acts 1971 and 1972; or
- (iii) in the case of property referred to in paragraph (1)(c), (d) and (e), used wholly or mainly for the purposes of any statutory function,

it shall for the purposes of this order be deemed to be held for the purposes of the function for which it is so used.

In the application of this sub-paragraph any temporary use of the property shall be disregarded.

- (b) Two (but not more) functions shall be treated as a single function in the application of this paragraph.
- (c) Any property to which this paragraph applies shall be held by the authority to whom it is transferred for the purposes of the function described in (i), (ii) or (iii) of sub-paragraph (a) or where two functions have been treated as a single function for the purposes of such one of those functions as is determined by the authority to whom the property is transferred.

(3) Any question whether any property to which this article applies is, immediately before 1st April 1974, used as described in (i), (ii) or (iii) of paragraph (2)(a) shall, subject to the following provision of this paragraph, be determined by the authority in whom the property is, before 1st April 1974, vested.

If notice is given by any authority that they are dissatisfied with any such determination the question 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

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Secretary of State, and sub-paragraph (c) of paragraph (2) shall apply accordingly. Sub-paragraph (b) of paragraph (2) shall apply in the application of this paragraph.

(4) In the application of this article, any reference to the purposes of functions includes a reference to the purposes of an undertaking transferred by article 7.