
STATUTORY INSTRUMENTS

1973 No. 444

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government (New Councils Etc.) Order 1973

<i>Made</i>	- - - -	<i>13th March 1973</i>
<i>Laid before Parliament</i>		<i>21st March 1973</i>
<i>Coming into Operation</i>		<i>11th April 1973</i>

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred upon them by section 254(1)(a) and (2)(b) and (c) of the Local Government Act 1972 and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Local Government (New Councils etc.) Order 1973 and shall come into operation on 11th April 1973.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the Local Government Act 1972; and

“Wales” means the area consisting of the countries established by section 20 of the Act (new local government areas in Wales), and “England” does not include any area included in any of those counties.

Time of first meetings of new county and district councils

3. An hour other than 12 noon (being the hour of the meeting of a county or district council unless another hour is fixed by such council) may be fixed for the first meeting of a council by the person by whom the meeting is convened.

Admission to meetings

4. For the purpose of securing the admission of representatives of the press and other members of the public to the meetings of county councils and district councils from the coming into office

of councillors thereof until 1st April 1974, such councils shall be bodies to which the Public Bodies (Admission to Meetings) Act 1960 applies.

Allowances to the members etc

5. For the purpose of securing that financial loss, travelling and subsistence allowances are payable, and that the expenses of certain visits and conferences can be defrayed, in respect of members of county councils and district councils or of committees or joint committees thereof, including in either case sub-committees, from their coming into office until 1st April 1974, the following provisions, namely—

- (a) section 267 of the Local Government Act 1933 (conferences of local authorities);
- (b) Part VI of the Local Government Act 1948 (allowances to members of local authorities and other bodies); and
- (c) the Local Authorities (Expenses) Act 1956,

shall apply until the said date as if the said councils were

- (i) in the case of (a), local authorities within the meaning of the said Act of 1933;
- (ii) in the cases of (b) and (c), councils to which the said Part VI, or the said Act of 1956, as the case may be, applies.

Number of parish councillors

6. In the case of any parish council existing at the coming into operation of this order the number of parish councillors for the parish, or in the case of a common parish council for each parish, shall be the number of councillors last fixed until—

- (a) provision is made to the contrary under Part I or IV of the Act as respects a parish council in England;
- (b) 1st April 1974 as respects a parish council in Wales.

Voting at first elections of community councillors

7. Section 23(7) of the Representation of the People Act 1949 (which does not allow postal voting at elections of parish councillors) shall apply to elections of community councillors held before 1st April 1974 as it will, by virtue of section 179(4) of the Act, apply to elections of such councillors held after that date.

School managers and governors

8.—(1) This article shall have effect for the modification of any provision of an instrument for a voluntary school maintained by the council of a country which requires the appointment by the council of a manager or governor of the school to be made after the ordinary day of retirement of councillors next following the previous such appointment.

(2) Any such provision shall, in its relation to an appointment which apart from the Act could have been made after the election of councillors which would have been held in April 1973, have the effect as if for the reference to the ordinary day of retirement of councillors there were substituted a reference to 1st April 1974.

(3) In this article, “instrument” means an instrument of government or of management made under section 17(2) of the Education Act 1944.

Term of office of mayors

9. The mayor of a borough other than a London borough or a borough included in a rural district, elected at the annual meeting of the council of the borough in 1972 or to fill a casual vacancy and in office at the coming into operation of this order, shall, notwithstanding the provision of section 18(2) of the Local Government Act 1933—

- (a) if the annual meeting of such council in 1973 has been held and the person elected thereat has become entitled to act as mayor, retire at the coming into operation of this order; or
- (b) in any other case, continue to hold office until the person elected at the annual meeting in 1973 becomes entitled to act as mayor, and then retire.

Appointment of officers before 1st April 1974

10. Where a local authority before 1st April 1974 appoint to hold any office or employment before or as from that date any person (hereinafter referred to as “the officer”) who, but for the appointment, would be transferred on 1st April 1974 under section 255 of the Act to the employment of any local authority, the appointment shall be on such terms and conditions that—

- (a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointment, the scale of his salary or remuneration; and
- (b) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before the appointment.

13th March 1973

Geoffrey Rippon
Secretary of State for the Environment

13th March 1973

Peter Thomas
Secretary of State for Wales

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EXPLANATORY NOTE

This Order makes provision (articles 4 and 5)—

- (a) for the application of the Public Bodies (Admission to Meetings) Act 1960 to the new county and district councils;
- (b) for the payment of allowances under the Local Government Act 1948, and the expenses of certain visits and conferences, in respect of members of such councils,

in both cases from the coming into office of the councillors until 1st April 1974, when the provisions of the Local Government Act 1972 will be applicable.

The order also makes transitional provision:—

- (a) enabling the time of the first meetings of the new county and district councils to be varied (article 3);
- (b) fixing the number of councillors of parish councils (article 6);
- (c) applying the provision which will not allow postal voting at the elections of community councillors after 1st April 1974 to the first elections of such councillors (article 7);
- (d) deferring the appointments of school managers and governors which would normally be made after the county council elections in April 1973 (article 8); and
- (e) linking the retirement of mayors elected in 1972 to the annual meetings of the borough councils in 1973 (article 9); and
- (f) for the protection of officers appointed to hold office before or as from 1st April 1974.