

1974 No. 176

LOCAL GOVERNMENT, ENGLAND AND WALES

The Charter Trustees Order 1974

<i>Made</i> - - - -	<i>6th February 1974</i>
<i>Laid before Parliament</i>	<i>7th February 1974</i>
<i>Coming into Operation</i>	<i>18th March 1974</i>

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

Title and commencement

1. This order may be cited as the Charter Trustees Order 1974 and shall come into operation on 18th March 1974.

Application

2. This order shall not apply to the area consisting of the counties established by section 20 of the Act (new local government areas in Wales)

Interpretation

3.—(1) The Interpretation Act 1889(a) 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;

“city or town” means an area for which charter trustees act under section 246(4) to (8) of the Act;

“the district council”, in relation to any city or town, means the council of the district in which the city or town is comprised; and

references to a city or town mayor or a deputy city or town mayor shall be construed, where no city or town mayor or deputy city or town mayor is elected, as references to a chairman or vice-chairman.

(a) 1972 c. 70.

(b) 1889 c. 63.

Appointment of local government electors as trustees

4.—(1) The provisions of this article shall have effect where a local government elector, or two local government electors, for a city or town fall to be appointed by the district council as charter trustees under section 246(4)(a) of the Act.

(2) One local government elector, or two local government electors, as the case may be, shall be appointed before 25th March 1974 and at the annual meeting of the district council in 1976, 1979 and every fourth year thereafter.

(3) Any local government elector appointed as charter trustee for a city or town shall (subject to the provisions of the Act and this order) hold office until the time fixed for the meeting of the next annual meeting of the district council at which under paragraph (2) above appointments fall to be made.

(4) Where the number of district councillors for the wards wholly or partly comprising the city or town is increased to two, such one of the local government electors appointed as aforesaid as may be determined by the district council shall forthwith cease to hold office as a charter trustee.

(5) Where the number of district councillors for the said wards is increased to three or more, any local government elector appointed as aforesaid shall forthwith cease to hold office as a charter trustee.

(6) Sections 80(1)(b), (c), (d) and (e), 80(5), 81(1) and (2) and 92 of the Act shall apply to a local government elector being appointed, or holding office as, a charter trustee as they apply to a person being elected to, or being a member of, a local authority subject to any necessary modifications and in particular to the modification that for section 80(1)(e) there shall be substituted—

“(e) is disqualified for being a member of the council of the district in which the city or town is comprised under Part III of the Representation of the People Act 1949 or for being a charter trustee under Part VIII below.”.

(7) A local government elector appointed as a charter trustee may at any time resign his office by written notice delivered to the proper officer of the district council and his resignation shall take effect upon receipt of the notice by the proper officer.

(8) The district council may remove from office a local government elector appointed as a charter trustee under this article if, in their opinion, he has, without sufficient cause, failed to attend two or more consecutive meetings of the charter trustees.

(9) A casual vacancy in the office of charter trustee shall arise at any time when—

(a) a local government elector appointed as a charter trustee ceases to be a local government elector for the city or town, becomes disqualified, resigns, is removed by the district council under paragraph (8) above or dies; or

(b) under electoral arrangements for the time being in force, the number of district councillors for the wards wholly or partly comprising the city or town is reduced to two or one, as the case may be.

(10) When any such casual vacancy as aforesaid arises, the district council shall, as soon as practicable, appoint a local government elector for the city or town to fill the vacancy.

(11) A local government elector appointed under paragraph (10) above shall (subject to the provisions of the Act and this order) hold office until the time specified in paragraph (3) above and he shall then retire.

(12) Where there are so many vacancies in the office of district councillor for the wards wholly or partly comprising a city or town that the charter trustees for the city or town are unable to act, the district council may appoint local government electors for the city or town to fill all or any of the vacancies until other district councillors for these wards are elected and take up office.

(13) The acts and proceedings of any person appointed and acting as charter trustee shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

(14) If the register of local government electors is not so framed as to show the local government electors for the city or town, the registration officer shall make such alteration thereof as may be proper for that purpose.

Meetings of charter trustees

5.—(1) Charter trustees for any city or town shall in every year hold an annual meeting. The annual meeting in 1974 shall be held before 1st May 1974. The annual meeting for any subsequent year shall be held within the 21 days following the annual meeting of the district council. The annual meeting in 1974 shall be convened by the proper officer of the district council.

(2) The election of a city or town mayor and a deputy city or town mayor shall be the first business transacted at the annual meeting of the charter trustees for any city or town.

(3) Until the completion of the election of a city or town mayor at the annual meeting in 1974, the chairman of the district council or a person designated by him shall preside over the first meeting but if the chairman or such person is not a charter trustee of the city or town he shall not vote in the first instance at the election.

(4) Other meetings of charter trustees may be held as they may determine.

(5) Charter trustees shall be bodies to which the Public Bodies (Admission to Meetings) Act 1960(a) applies.

(6) Paragraph 10 of Schedule 12 to the Act shall apply in relation to meetings of charter trustees as it applies in relation to meetings of parish councils.

(7) No business shall be transacted at a meeting of charter trustees unless at least one-third of the whole number of trustees are present at the meeting: but in no case shall the quorum be less than two.

(a) 1960 c. 67.

(8) At a meeting of charter trustees the city or town mayor, if present, shall preside.

(9) If the city or town mayor is absent from a meeting of charter trustees the deputy city or town mayor, if present, shall preside.

(10) If both the city or town mayor and deputy city or town mayor are absent from a meeting of charter trustees, such trustee as the trustees present shall choose shall preside.

(11) Paragraphs 39 to 44 of Schedule 12 to the Act shall apply to charter trustees as they apply to parish councils.

Mayor and deputy mayor

6.—(1) A city or town mayor or a deputy city or town mayor shall (unless he ceases to be a charter trustee) hold office until immediately after the election of a city or town mayor at the next annual meeting.

(2) On a casual vacancy occurring in the office of city or town mayor or deputy city or town mayor the charter trustees shall, as soon as practicable, meet for the election of one of their number to such office and any trustee so elected shall (subject to the provisions of the Act or this order) hold office until the time specified in paragraph (1) above and shall then retire.

Disability for voting on account of interest in contracts, etc.

7. Sections 94 to 98 of the Act shall apply to charter trustees as they apply to parish councillors, subject to any necessary modifications and in particular to the modification that in section 94(5)(a), for “chairman, vice-chairman or deputy chairman of a principal council” there shall be substituted “city or town mayor or deputy city or town mayor”.

Acquisition of property

8. Charter trustees for any city or town may acquire, or accept gifts of, and hold historic or ceremonial property other than land and buildings, and in particular charters, insignia and plate, of the city or town, and may execute any work (including works of maintenance or improvement) incidental to or consequential on the acquisition, acceptance or holding.

Arrangements for discharge of functions

9.—(1) Charter trustees may arrange for the discharge of any of their functions other than—

the appointment of a city or town mayor or a deputy city or town mayor or of any local officers of dignity; and

functions with respect to issuing a precept for a rate or borrowing money by a committee thereof or by an officer of theirs or of the district council.

(2) Where by virtue of paragraph (1) above any functions of charter trustees may be discharged by a committee thereof, then, unless the charter trustees

otherwise direct, the committee may arrange for the discharge of any of those functions by an officer of the charter trustees or of the district council.

(3) Any arrangements made by charter trustees or a committee under paragraph (1) or (2) above for the discharge of functions by a committee or officer shall not prevent the trustees or committee from exercising those functions.

(4) Section 106 of the Act shall apply as respects any committee appointed by charter trustees as it applies as respects a committee of a local authority.

Subsidiary powers in relation to functions

10. Sections 111 and 140 of the Act shall apply in relation to charter trustees as they apply to parish councils.

Officers

11—(1) Charter trustees may appoint such officers as they think necessary for the proper discharge of their functions.

(2) Sections 112(2) and (5) and 114 to 119 of the Act shall apply in relation to officers appointed by charter trustees as they apply in relation to officers appointed by parish councils, subject to any necessary modifications.

Use of schoolroom etc. in city or town

12. Section 134 of the Act shall apply to charter trustees as it applies to parish councils subject to any necessary modifications.

Borrowing

13. Part I of Schedule 13 to the Act shall apply to charter trustees as it applies to parish councils subject to any necessary modifications.

Initial expenses of charter trustees

14. In the year beginning on 1st April 1974 the district council shall levy rates in a city or town and make payments to the charter trustees as if the charter trustees had issued a precept to the district council requiring the payment of a sum equal to a rate of 0·2p in the pound calculated on the total rateable value as set out in the valuation list on 1st April 1974.

6th February 1974.

Geoffrey Rippon,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 246(4) to (16) of the Local Government Act 1972 make provision for charter trustees in areas of cities and boroughs which will on 1st April 1974 be wholly comprised in districts not having the status of boroughs and which in England do not become parishes.

This Order makes further provision in relation to charter trustees in England. There will be no charter trustees in Wales.

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