
 STATUTORY INSTRUMENTS

1974 No. 2044

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities etc. (Miscellaneous Provision)

(No. 5) Order 1974

Made - - - -	4th December 1974
Laid before Parliament	16th December 1974
Coming into Operation	31st December 1974

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 sections 254(1)(a) and (2)(a) and (c) and 266(2) of the Local Government Act 1972(a) and section 34(1) of the Water Act 1973(b) 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 Authorities etc. (Miscellaneous Provision) (No. 5) Order 1974 and shall come into operation on 31st December 1974.

Interpretation

2.—(1) The Interpretation Act 1889(c) 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.

(3) In this order—

- (a) references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment;
- (b) references to any instrument shall be construed as references to that instrument as amended, extended or applied by any other instrument, including this order.

Miscellaneous amendments of public general Acts

3.—(1) In the Water Act 1945(d), in Schedule 1 (procedure for making orders)—

- (a) in paragraphs 3(i) and 12(i), for “county or district comprised wholly or partly in the area affected by the order” there shall be substituted “county or district affected by the order”;
- (b) in paragraphs 4 and 13, for “counties and districts comprised wholly or partly in the area affected by the order” there shall be substituted “counties and districts affected by the order”; and
- (c) paragraphs 10 and 19 (which define “area affected by the order”) are hereby repealed.

(a) 1972 c. 70.

(b) 1973 c. 37.

(c) 1889 c. 63.

(d) 1945 c. 42.

(2) In the Water Act 1958(a), in Schedule 1 (procedure for making orders), for sub-paragraph (2) of paragraph 1, other than item (c) thereof, there shall be substituted—

“(2) The applicants shall also cause a notice of the application to be published—

- (a) in one or more local newspapers circulating within that part of the limits of supply of the applicants which would be affected by the order,
- (b) in one or more local newspapers circulating within that part of the limits of supply of any other statutory water undertakers which would be affected by the order, and”.

(3) In the London Government Act 1963(b), in section 21(1) (councils of London boroughs to be local authorities for housing purposes) and in paragraph 14 of Schedule 8 (application of the Small Dwellings Act 1899(c) to the London boroughs and the City of London), for “county borough”, wherever occurring, there shall be substituted “district”.

(4) In the Road Traffic Act 1972(d), section 38(4) and Schedule 2 are hereby repealed.

(5) In the Road Traffic Act 1974(e), section 8(2)(a) and (c) are hereby repealed.

Miscellaneous provision as to instruments

4.—(1) The Local Government (Allowances for Attendance at Road Safety Conferences) Regulations 1971(f) are hereby revoked.

(2) In the Local Authorities (England) (Property etc.) Order 1973(g)—
in article 11, in paragraphs (2) and (3), after “9”;
in article 17(4) as amended by the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974(h) after “16A”; and
in articles 28(1), 29(1) and (2), 32 and 38, after “this order”,
and in the Local Authorities (Wales) (Property etc.) Order 1973(i)—
in article 11, in paragraphs (2) and (3), after “9”;
in article 17(4) as amended by the Local Authorities etc. (Wales) (Property etc.: Further Provision) Order 1974(j) after “16A”; and
in articles 27(1), 28(1) and (2), 31 and 37, after “this order”,
there shall be inserted “or by any provision of any order by which this article is applied”.

(3) In the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974, in article 9 (Sale, etc., and development of land), in the Table in paragraph (3)—

(a) in the 5th entry in column (2) “, and the parish authority of any parish,” shall be omitted; and

(b) after such 5th entry there shall be inserted—

“In the case of any borough or urban district within whose area a parish has, or parishes have, been constituted under Part V of Schedule I to the Act, the council or councils of such parish or parishes.

In the case of any rural district, the parish authority of any parish in which the land is situated.”.

(a) 1958 c. 67. (b) 1963 c. 33. (c) 1899 c. 44. (d) 1972 c. 20. (e) 1974 c. 50.
(f) S.I. 1971/753 (1971 II, p. 2189). (g) S.I. 1973/1861 (1973 III, p. 6401).
(h) S.I. 1974/406 (1974 I, p. 1276). (i) S.I. 1973/1863 (1973 III, p. 6452).
(j) S.I. 1974/404 (1974 I, p. 1264).

(4) In the Local Authorities etc. (Staff Transfer and Protection) Order 1974^(a), in article 14 (secondary transfers) for “before 1st January 1975 or the expiration of 2 months from the service upon him of the statement of new terms and conditions of employment under article 13, whichever is the later,” there shall be substituted “before 1st August 1975.”

Statutes of University of Hull

5.—(1) The amendments set out in paragraphs (2) to (6) of this article shall be made in the Statutes of the University of Hull.

(2) In Section 13 (The Court), sub-section (1)—

(a) for Class 3 there shall be substituted—

“Class 3. Representatives Appointed by Public Authorities

- (a) Three representatives appointed by the County Council of Humberside.
- (b) One representative appointed by each of the County Councils of Lincolnshire, North Yorkshire and South Yorkshire.
- (c) Ten representatives appointed by the District Council of Kingston upon Hull.
- (d) Five representatives appointed by the District Council of East Lindsey.
- (e) Three representatives appointed by each of the district councils of Beverley, Doncaster, Holderness, Ryedale and Scarborough.
- (f) Two representatives appointed by each of the district councils of Glanford, Grimsby, Lincoln, North Wolds, West Lindsey and York.
- (g) One representative appointed by each of the district councils of Boothferry, Cleethorpes, Scunthorpe and Selby.
- (h) Representatives not exceeding seventeen in number of such other Public Authorities in the five Counties as the Court may from time to time determine.”;

(b) in Class 5

- (i) for “City and County of Kingston upon Hull” there shall be substituted “District of Kingston upon Hull”;
- (ii) for “the three Counties”, there shall be substituted “the five Counties”;

(c) for Class 6 there shall be substituted—

“Class 6. Ex Officio Members

- (a) The Lord-Lieutenants of the Counties of Humberside, Lincolnshire and North Yorkshire.
- (b) The Right Honourable the Lord Mayor of York.
- (c) The Mayors of Doncaster, Grimsby and Lincoln.
- (d) The Chairman of the District Council of Kingston upon Hull.

(a) S.I. 1974/483 (1974 I, p. 1709).

- (e) The Chairman of the County Council of Humberside.
 - (f) The Town Clerk and Chief Executive of Kingston upon Hull.
 - (g) The Chairmen of the education committees of the County Councils of Humberside, Lincolnshire and North Yorkshire and the Borough Council of Doncaster.
 - (h) The chief education officers of the County Councils of Humberside, Lincolnshire and North Yorkshire and the Borough Council of Doncaster.
 - (i) The Master of St. John's College, Cambridge.”;
- (d) in Classes 9 and 11 for “the three Counties” there shall be substituted “the five Counties”.
- (3) In Section 13, sub-section 3(e), for “City and County of Kingston upon Hull” there shall be substituted “District of Kingston upon Hull”.
- (4) In Section 16 (The Council), sub-section 1, for Class 3 there shall be substituted—
- “Class 3. Members to be appointed by Public Authorities as under:
- (a) Four by the County Council of Humberside.
 - (b) Two by the District Council of Kingston upon Hull.
 - (c) One by the Borough Council of Beverley.”.
- (5) In Section 30 (Ordinances), sub-section 1(p), for “the three Counties” there shall be substituted “the five Counties”.
- (6) In Section 36 (Interpretation) for sub-section 1 there shall be substituted—
- “1. For these Statutes wherever the phrase “the five Counties” is used the phrase means the Counties of Humberside, Lincolnshire, North Yorkshire, South Yorkshire and West Yorkshire.”.

Franchise and prescriptive rights

6. The power to hold a fair in Underhill, Portland exercisable immediately before 1st April 1974 by the urban district council of Portland shall be exercisable by the Parish Council of Portland, and the said Parish Council shall have the same powers in relation to the said fair as were exercisable immediately before 1st April 1974 by the said urban district council.

Romsey Cemetery

7.—(1) In relation to the Romsey Cemetery the functions conferred by section 214 of, and Schedule 26 to, the Act shall be exercised by the District Council of Test Valley.

(2) All property and liabilities vested in the Parish Councils of Romsey and Romsey Extra for the purposes of such functions shall by virtue of this order be transferred to and vest in or attach to the said District Council, and—

- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or

have effect as if they had been given) by, or to, the said Parish Councils in respect of such property or liabilities shall be of full force and effect in favour of, or against, the said District Council; and

- (b) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the said Parish Councils in respect of such property or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the said District Council.

Property, liabilities, contracts, etc., notices and proceedings

8.—(1) (a) Any property described in column (2) of the Schedule to this order of an authority named in column (1) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such property in column (3), and—

- (i) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the authority named in the said column (1) in respect of such property or liabilities shall be of full force and effect in favour of, or against, the authority specified in column (3); and
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the authority named in the said column (1) in respect of such property or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the authority specified in column (3).

(b) Articles 11, 17, 23, 28, 29, 32, 33, 34(2), 35, 38 and 39 of the Local Authorities (England) (Property etc.) Order 1973 and articles 7 and 8 of the Local Authorities etc. (England) (Property etc.: Further Provision) Order 1974 shall apply as if sub-paragraph (a) above and the Schedule to this order were contained in the said order of 1973.

(c) This paragraph does not extend to Wales.

(2)(a) This paragraph applies to any sewage disposal works which before 1st April 1974—

- (i) had been constructed by a specified council only for the purposes of draining property belonging to them (or had been so constructed by any other person and had come to belong to a specified council); and
- (ii) had not been declared to vest in the local authority for the purposes of the Public Health Act 1936(a);

and which are immediately before the coming into operation of this order vested in an authority established in accordance with section 2 of the Water Act 1973 (in this paragraph referred to as “the water authority”).

In this sub-paragraph, “specified council” means the corporation or council of a county borough, London borough or county district, the Greater London Council or the Corporation of the City of London.

(a) 1936 c. 49.

(b) Any sewage disposal works to which this paragraph applies and all liabilities attaching to the water authority in respect of such works shall by virtue of this order be transferred to and vest in or attach to the authority in whom such works were vested immediately before 1st April 1974 or if such authority has ceased to exist the authority in which the property described in item (i) of sub-paragraph (a) is vested, and—

- (i) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the said water authority in respect of such works or liabilities shall be of full force and effect in favour of, or against, the authority described in this sub-paragraph; and
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the water authority in respect of such works or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the authority described in this sub-paragraph.

(3) All property and liabilities at the commencement of this order vested in the Parish Council of Londonthorpe and Harrowby Without (hereinafter referred to as "the Parish Council"), or in that council and the District Council of South Kesteven (so referred to as "the District Council") jointly, for the purposes of the functions conferred by section 214 of the Act shall by virtue of this order be transferred to and vest in or attach to the District Council, and—

- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the Parish Council, or that council and the District Council jointly, in respect of such property or liabilities shall be of full force and effect in favour of, or against, the District Council; and
- (b) any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the Parish Council, or that council and the District Council jointly, in respect of such property or liabilities shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the District Council.

(4) All property and liabilities vested in or attaching to the Charter Trustees of the Town of Lowestoft shall by virtue of this order be transferred to and vest in or attach to the District Council of Waveney.

All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the said Trustees shall be of full force and effect in favour of, or against, the said District Council.

Any action or proceeding or any cause of action or proceeding, pending or existing immediately before the coming into operation of this order, by, or against, the said Trustees shall not be prejudicially affected by reason of this article, and may be continued, prosecuted and enforced by, or against, the said District Council.

Accounts of rural district council of St. Thomas

9.—(1) In relation to the accounts of the rural district council of St. Thomas or of the committees or officers thereof, any action which if the Act had not been passed would have fallen to be taken by such council shall be taken by the District Council of Teignbridge.

(2) If at any audit of the accounts of the said rural district council or of the committees and officers thereof any sum is certified by a district auditor as due from any person, that sum shall be paid to the said District Council.

SCHEDULE
TRANSFER OF PARTICULAR PROPERTIES

Article 8(1)

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The County Council of Lancashire	I. M. Marsh College of Physical Education	The City Council of Liverpool
The County Council of Northamptonshire	129, 131 and 135 Clare Street, Northampton	The Borough Council of Northampton
do.	7, 9, 11, 21, 27, 29, 35, 37, 43, 47, 51, 53 and 55 Duke Street, Northampton	do.
do.	21, 25, 27, 29, 33, 35, 51, 53, 56, 59, 61, 62, 65, 67, 69 and 73 Hervey Street, Northampton	do.
do.	8 Carey Street, Northampton	do.
do.	1, 5, 10, 11, 13, 14, 16, 18 and 22 William Street, Northampton	do.
do.	1, 21, 31 and 55 Charles Street, Northampton	do.
do.	9 and 11 Hunter Street, Northampton	do.
do.	5, 18 and 21 Spencer Road, Northampton	do.
do.	58, 68 and 70 Craven Street, Northampton	do.
do.	13, 15, 41 and 51 Melville Street, Northampton	do.
do.	15, 18, 31, 45 and 47 Talbot Road, Northampton	do.
do.	8 and 12 Henry Street, Northampton	do.
do.	27 and 43 Vernon Terrace, Northampton	do.
The District Council of Dartford	The Senior Citizens Club, Craylands Lane, Swanscombe	The Parish Council of Swanscombe
The District Council of East Lindsey	The National School, 34 Westgate, Louth	The Town Council of Louth
do.	The Old Mill, Bridge Street, Louth	do.

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of Holderness	Hall Garth Park with all the buildings and structures thereon	The Town Council of Hornsea
do.	Memorial Gardens, New Road, Hornsea together with all the buildings and structures thereon	do.
do.	The piece of land situated on Atwick Road, Hornsea, used for the provision of allotment gardens	do.
do.	The Depot, on Burton Road, Hornsea	do.
The District Council of Mid Sussex	Land at the Durkins Road Depot, together with the strip of land, leading to Charlwood Road	The County Council of West Sussex
do.	Land at the Bridge Road Depot, Cuckfield amounting to approximately 1 acre	do.
The City Council of Newcastle upon Tyne	The Longbenton Housing Estate and part of the Fairways Housing Estate	The Borough Council of North Tyneside
The District Council of North East Derbyshire	Recreation pleasure ground at Fanshaw Bank, Dronfield	The Town Council of Dronfield
do.	Land near Green Lane, Dronfield (Cliffe Park)	do.
do.	Dronfield Woodhouse Recreation Ground	do.
do.	Coal Aston playing fields	do.
do.	Open space situate at junction of Norton Road (Dyche Lane) and Eckington Road, Coal Aston	do.
do.	Open space, Wreakes Lane, Dronfield	do.
do.	Open space at junction of Lea Road and Quoit Green, Dronfield	do.
do.	Land adjacent to Hill Top Common, off Gosforth Lane	do.
do.	Play area, The Avenue, Dronfield	do.
do.	Open space, land at Holmley Lane, Dronfield (including embankment)	do.
do.	Open space, land at rear of Town Well Site, Carr Lane, Dronfield Woodhouse (Festival Garden)	do.

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The District Council of North East Derbyshire	Play area, Birches Fold, Coal Aston	The Town Council of Dronfield
do.	Open space, rear of Alma Crescent, Dronfield	do.
do.	Open space and play area, Fletcher Avenue, Moonpenny Way, Dronfield	do.
do.	Open space, Church Street, Dronfield	do.
do.	Play area, Cemetery Road (including embankment to A61) Dronfield	do.
do.	Land fronting north east side of Chesterfield Road, Dronfield	do.
do.	Playing fields, Marsh Avenue, Dronfield	do.
do.	Play area, Lundy Road, Netherfields Crescent, Dronfield	do.
do.	Open space, Church Street, Lea Road, Dronfield	do.
do.	Footpath Link, Cliffe Park, Stonelow Playing Fields	do.
do.	Open space, Chesterfield Road, Dronfield	do.
do.	Open space, land between Sheffield Road and Snape Hill Lane, Dronfield	do.
do.	Open space, land between Gosforth Lane and Gosforth Close off Farwater Lane	do.
do.	Open space; 12.45 acres, Gosforth Valley, Dronfield	do.
do.	Play area, Alport Rise, Dronfield Woodhouse	do.
do.	Open space, land at Sheffield Road, Dronfield (Edward Lucas site)	do.
do.	Open space, land to the south of Dronfield Civic Centre	do.
do.	Open space, land at Sheffield Road, Dronfield	do.
do.	25 High Street, Dronfield	do.
do.	Stonelow playing fields	do.

(1) Transferor Authority	(2) Property	(3) Transferee Authority
The Borough Council of Northampton	An area of land 1.75 acres in extent in Harvey Reeves Road, St. James Mill Industrial Estate, Northampton O.S. Ref. 740601, Parcels No. 0026 and 0010	The County Council of Northamptonshire
The District Council of Swale	Part of library site at Central Avenue, Sittingbourne, amounting to 0.097 hectares	The County Council of Kent
The Town Council of Frome	East Hill Cemetery, Frome and adjoining land acquired for burial purposes namely O.S. fields 153 pt., 166, 167, 168 and 169	The District Council of Mendip
The Town Council of Lewes	Lewes Cemetery	The District Council of Lewes
The Town Council of Richmond	Town and village greens, shelters, war memorials and bicycle parking places, Richmond	The District Council of Richmondshire
do.	Richmond Cemetery, including the Cemetery Chapel, Sexton's house and other buildings located thereon	do.
The Parish Council of Shepton Mallet	Shepton Mallet Burial Ground, Waterloo Road, Shepton Mallet	The District Council of Mendip
The Parish Council of Street	Street Cemetery and adjoining land acquired for burial purposes namely O.S. fields 493, 493a, 493b and 539	The District Council of Mendip
The City Council of Wells	Bishop's Barn, off Silver Street, Wells	The District Council of Mendip
do.	Recreation Ground, off Silver Street, Wells	do.
The Thames Water Authority	63 acres or thereabouts of land at Beckton Sewage Works	The Greater London Council
The Severn-Trent Water Authority	The works described in section 5 of the Trent and Lincolnshire Water Act 1971 and all lands and works held therewith	The Anglian Water Authority

3rd December 1974.

Anthony Crosland,
Secretary of State for the Environment.

4th December 1974.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision incidental, consequential, transitional and supplementary to the Local Government Act 1972 and the Water Act 1973, relating to—

- (a) the amendment, repeal or revocation of certain public general Acts and instruments;
- (b) the Statutes of the University of Hull;
- (c) the Underhill fair at Portland;
- (d) the Romsey Cemetery;
- (e) the transfer of certain property, etc.; and
- (f) the accounts of the rural district council of St. Thomas.

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