
STATUTORY INSTRUMENTS

1979 No. 72

LOCAL GOVERNMENT, ENGLAND AND WALES

The Isles of Scilly (Functions) Order 1979

Made - - - - *25th January 1979*

Coming into Operation *1st March 1979*

The Secretary of State for the Environment, on the application of the Council of the Isles of Scilly and in exercise of the powers conferred upon him by sections 265 and 266(2) of the Local Government Act 1972 and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Isles of Scilly (Functions) Order 1979 and shall come into operation on 1st March 1979.

2. In this order, “the Council” means the Council of the Isles of Scilly.

3. The Council shall exercise and perform—

(a) the functions conferred or imposed on district councils by—

the Public Health Act 1875, the Public Health Act 1875 (Support of Sewers) Amendment Act 1883, the Public Health Acts Amendment Act 1890, the Public Health Acts Amendment Act 1907 and the Public Health Act 1925 other than any provisions of such Acts specified in (b);

the Public Health Act 1936 other than section 205;

Part I of the Prevention of Damage by Pests Act 1949;

sections 4 to 8 of the Local Government (Miscellaneous Provisions) Act 1953;

the Food and Drugs Act 1955;

the Local Authorities (Historic Buildings) Act 1962;

the Scrap Metal Dealers Act 1964;

the Slaughterhouses Act 1974;

the Local Land Charges Act 1975;

(b) in the parish of St. Mary's, the functions so conferred or imposed by—

section 161 of the Public Health Act 1875;

section 164 of the said Act, section 44 of the Public Health Acts Amendment Act 1890, sections 76 and 77 of the Public Health Acts Amendment Act 1907, Part VI of the Public Health Act 1925 and sections 52 to 54 of the Public Health Act 1961;

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section 165 of the Public Health Act 1875 and section 46 of the Public Health Acts Amendment Act 1890;

- (c) the functions conferred or imposed on county councils—
 - by the War Memorials (Local Authorities' Powers) Act 1923;
 - by the Diseases of Animals Act 1950;
 - as food and drugs authorities by the Food and Drugs Act 1955;
 - by the Litter Act 1958;
 - by the Adoption Act 1958;
 - by the Highways Act 1959;
 - by the Sea Fisheries Regulation Act 1966;
 - by the Poisons Act 1972;
- (d) the functions conferred or imposed in England on county councils by sections 74(2) and 76(1) of the Public Health Act 1936 and paragraph 5 of Schedule 14 to the Local Government Act 1972; and
- (e) the functions conferred or imposed on local authorities by—
 - the Explosives Act 1875;
 - the Explosives Act 1923;
 - the Petroleum (Consolidation) Act 1928.

Nothing in this article shall extend to any provision mentioned in section 181(1) or (2) of the Local Government Act 1972.

4. The expenses of the Council in the exercise and performance of the enactments specified in (b) of the last preceding article, except in so far as they are expenses of the establishment and officers of the Council, shall be parochial expenses chargeable only on the parish of St. Mary's.

5. For the purposes of section 267 of the Public Health Act 1936 any vessel lying in any waters within the customs port of Scilly for the time being shall be subject to the jurisdiction of the Council.

6. In the application of section 13 of the Local Government (Miscellaneous Provisions) Act 1953 to the Isles of Scilly, the expression “local authority” shall include the Council.

7. The orders specified in the Schedule to this order are hereby revoked.

SCHEDULE

(1) <i>Orders</i>	(2) <i>References</i>
The Isles of Scilly Order 1937	S.R. & O. 1937 No. 783
The Isles of Scilly Order 1938	S.R. & O. 1938 No. 110
The Isles of Scilly Order 1938(No. 2)	S.R. & O. 1938 No. 668
The Isles of Scilly Order 1943	S.R. & O. 1943 No. 107
The Isles of Scilly Order 1957	S.I. 1957/1315
The Isles of Scilly (Litter Act) Order 1959	S.I. 1959/29
The Isles of Scilly (Petroleum-spirit) Order 1963	S.I. 1963/231
The Isles of Scilly (Landlord and Tenant) (Publication of Information and Prosecution of Offences) Order 1965	S.I. 1965/2079
The Isles of Scilly (Betting, Gaming and Lotteries) Order 1966	S.I. 1966/905
The Isles of Scilly (Prevention of Damage by Pests) Order 1968	S.I. 1968/736
The Isles of Scilly (Explosives) Order 1971	S.I. 1971/969
The Isles of Scilly (Scrap Metal Dealers) Order 1971	S.I. 1971/2161
The Isles of Scilly (Historic Buildings) Order 1973	S.I. 1973/1396

Signed by authority of the Secretary of State

25th January 1979

K.F.J. Ennals
An Under Secretary in the Department of the
Environment

EXPLANATORY NOTE

Section 265(2) of the Local Government Act 1972 provided for orders providing, inter alia, for the exercise and performance in the Isles of Scilly of functions which are for the time being conferred or imposed on local authorities. Section 265(4) provided that any order in force immediately before 1st April 1974 under section 292 of the Local Government Act 1933 (c. 51) should have effect as if made under section 265 of the 1972 Act and could be varied or revoked accordingly.

This Order—

- (a) makes provision replacing the provision for the exercise and performance of functions contained in existing orders made under the 1933 Act, which are consequently revoked; and
- (b) provides for the exercise and performance by the Council of the Isles of Scilly of the functions conferred or imposed on district councils by the Local Land Charges Act 1975.