

Local Government Act 1972

CHAPTER 70

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ELIZABETH II



Local Government Act 1972

1972 CHAPTER 70

An Act to make provision with respect to local government and the functions of local authorities in England and Wales; to amend Part II of the Transport Act 1968; to confer rights of appeal in respect of decisions relating to licences under the Home Counties (Music and Dancing) Licensing Act 1926; to make further provision with respect to magistrates' courts committees; to abolish certain inferior courts of record; and for connected purposes. [26th October 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

New local government areas

1.—(1) For the administration of local government on and after 1st April 1974 England (exclusive of Greater London and the Isles of Scilly) shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts. New local government areas in England.

(2) The counties shall be the metropolitan counties named in Part I and the non-metropolitan counties named in Part II of Schedule 1 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of each Part of that Schedule.

(3) The districts in the metropolitan counties shall be those respectively specified in column 2 of the said Part I and shall comprise the areas respectively described (by reference to

PART I

administrative areas existing immediately before the passing of this Act) in that column, and the Secretary of State may by order provide a name for any such district.

(4) The districts in the non-metropolitan counties shall be those respectively specified in one or more orders made by the Secretary of State under paragraph 1 of Schedule 3 to this Act and having the names given to them by one or more orders so made.

(5) Part III of Schedule 1 to this Act shall have effect in relation to the boundaries of the new local government areas.

(6) Subject to Part IV of Schedule 1 to this Act and to any provision corresponding to that Part made by an order under section 254 below, the rural parishes existing immediately before 1st April 1974 shall continue to exist on and after that date by the name of parishes.

(7) The said Part IV shall have effect with respect to the existing rural parishes which by virtue of this Act are comprised in more than one county or more than one metropolitan district.

(8) Part V of Schedule 1 to this Act shall have effect for the purpose of constituting parishes the boundaries of which are determined by reference to those of existing boroughs and urban districts and also, in cases where the areas of such boroughs and urban districts are divided by or under this section between two or more new districts, by reference to the boundaries of the new districts.

1958 c. 55. (9) The boroughs which by virtue of section 141 of the 1933 Act or section 28 of the Local Government Act 1958 are included in rural districts immediately before the passing of this Act shall on the passing of this Act become parishes without ceasing to be boroughs, but shall cease to be boroughs on 1st April 1974.

(10) On that date the following local government areas existing immediately before that date outside Greater London and the Isles of Scilly, that is to say, all administrative counties, boroughs (except those in rural districts), urban districts, rural districts and urban parishes, shall cease to exist and the council of every such area which has a council shall also cease to exist.

(11) On that date the municipal corporation of every borough outside Greater London (and the corporation of a borough included in a rural district) shall cease to exist.

(12) In this section "England" does not include the administrative county of Monmouthshire or the county borough of Newport.

Principal councils

Constitution
of principal
councils in
England.

2.—(1) For every county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.

(2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.

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(3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name "The County Council" or "The District Council", as the case may be, with the addition of the name of the particular county or district.

Members of principal councils

3.—(1) The chairman of a principal council shall be elected annually by the council from among the councillors. **Chairman.**

(2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

(4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.

(5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

4.—(1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council. **Election of chairman.**

(2) If, apart from section 3(3) above or section 5(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

(3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

5.—(1) A principal council shall appoint a member of the council to be vice-chairman of the council. **Vice-chairman.**

(2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

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(3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

(4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

Term of office and retirement of councillors.
1949 c. 68.

6.—(1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the Representation of the People Act 1949.

(2) For the purposes of the election of councillors—

(a) every county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act) one councillor ;

(b) every metropolitan district shall be divided into wards, each returning a number of councillors which is divisible by three ; and

(c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 3 or under or by virtue of the provisions of section 7 below or Part IV of this Act ;

and there shall be a separate election for each electoral division or ward.

Elections of councillors.

7.—(1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.

(2) The ordinary elections of metropolitan district councillors shall take place in 1973, 1975 and every year thereafter other than a year of election of county councillors.

(3) Subject to paragraph 4 of Schedule 3 to this Act, the term of office of metropolitan district councillors shall be four years and one-third of the whole number of councillors in each ward of a metropolitan district, being those who have been councillors for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.

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(4) Subject to subsection (5) below, a non-metropolitan district council may in pursuance of the requisite resolution request the Secretary of State to provide—

- (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously ; or
- (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year ;

indicating in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

(5) A resolution may not be passed under subsection (4) above within ten years of a previous resolution thereunder.

(6) Where the Secretary of State receives a request under subsection (4)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (4)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 51 below.

(7) Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may ask the English Commission to make proposals in the light of the request with respect to—

- (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward ;
- (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three ;

and, where the Commission have not completed their review of the electoral arrangements for the district under Schedule 9 to this Act, they shall as part of that review consider the proposals to be made under this subsection and, in any other case, sections 52, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their

PART I conduct of a review under section 50 below and any such proposals shall be treated as if made under section 51 below.

(8) The ordinary elections of non-metropolitan district councillors shall take place—

(a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter ; and

(b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.

(9) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to non-metropolitan district councillors:—

(a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter ;

(b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire ; and

(c) where such an order is in force, one-third of the whole number of councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

Constitution
and
membership
of Greater
London
Council and
London
borough
councils.

8.—(1) Sections 2 to 7 above shall not apply to the Greater London Council or London borough councils but, subject to subsection (2) below, the provisions of Schedule 2 to this Act shall have effect in relation to them instead.

(2) The Secretary of State may by order make such modifications of sub-paragraphs (2) and (3) of paragraph 6 of Schedule

2 to this Act as appear to him to be appropriate for all or any of the following purposes—

PART I

- (a) to secure that ordinary elections of councillors of the Greater London Council take place in the same years as ordinary elections of county councillors,
- (b) to secure that ordinary elections of London borough councillors are held in years in which ordinary elections of metropolitan district councillors are held, and
- (c) to secure that provisions corresponding to section 7(3) above apply to the retirement of London borough councillors.

(3) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

Parishes

9.—(1) For every parish there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment and, subject to the provisions of this Act or any instrument made thereunder, for every parish or group of parishes having a parish council before 1st April 1974 there shall continue to be a parish council.

(2) If a parish has not a parish council (whether separate or common) the district council shall, and if a parish is grouped under a common parish council the district council may, by order establish a separate parish council for that parish—

- (a) if the population includes 200 or more local government electors ; or
- (b) if in the case of a parish the population of which includes more than 150 but less than 200 local government electors, the parish meeting of the parish so resolve.

(3) If a parish has a population which includes not more than 150 local government electors, the district council may by order establish a separate parish council for that parish if the parish meeting so resolve.

(4) Subject to any order under section 10 or 11 or Part IV below, there shall be a separate parish council for—

- (a) every parish which immediately before the passing of this Act was a borough included in a rural district ;
- (b) every parish which immediately before the passing of this Act was co-extensive with a rural district ;
- (c) every parish established by paragraph 1 of Part IV of Schedule 1 to this Act ;

PART I

- (d) every parish to which part of another parish is added by paragraph 2 of the said Part IV and which immediately before the passing of this Act had no parish council ; and
- (e) every parish constituted under Part V of Schedule 1 to this Act.

1949 c. 68. (5) An order establishing a separate parish council for a parish shall make such provision as appears to the district council to be necessary for the election of a parish council in accordance with this Act and Part I of the Representation of the People Act 1949.

(6) An order shall not be made under this section establishing a separate parish council for a parish grouped under a common parish council unless by that order or an order under section 11(4) below the parish is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the parish council of the group.

Power to dissolve parish councils in small parishes.

10.—(1) Where the population of a parish having a separate parish council includes not more than 150 local government electors, the parish meeting may apply to the district council for the dissolution of the parish council, and thereupon the district council may by order dissolve the parish council.

(2) Where an application under this section by a parish meeting is rejected, another such application may not be presented by that meeting within two years from the making of the previous application.

Orders for grouping parishes, dissolving groups and separating parishes from groups.

11.—(1) The parish meeting of a parish may apply to the district council for an order grouping the parish with some neighbouring parish or parishes in the same district under a common parish council or by adding the parish to an existing group of such parishes under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.

(2) Parishes shall not be grouped without the consent of the parish meeting of each of the parishes.

(3) A grouping order shall make the necessary provision—

- (a) for the name of the group ;
- (b) for the election in accordance with this Act and Part I of the Representation of the People Act 1949 of separate representatives on the parish council for each parish or for the wards of any parish or, in the case

of an order which adds a parish to the group, for that parish or for the wards of that parish ;

PART I

- (c) for the application to the parishes included in the group of all or any of the provisions of section 37 of the Charities Act 1960 (parochial charities) and of any of the provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish ;
- (d) for the dissolution of the separate parish council of any parish included in the group,

and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any necessary adaptations of this Act to the group of parishes or to the parish meetings of the parishes in the group.

(4) The district council may on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes make an order dissolving the group or separating one or more of those parishes from the group, and an order so made shall make such provision as appears to the district council to be necessary for the election of a parish council for any of the parishes in the group, where it is dissolved, and for any of the parishes separated from the group, where it is not.

(5) Parishes grouped under a common parish council before 1st April 1974 and situated in different districts on and after that date shall, notwithstanding that they are so situated, continue to be grouped under that council—

- (a) unless an order is made under section 9 or subsection (4) above or Part IV below dissolving the group ; or
- (b) except so far as such an order separates one or more of the parishes from the group ;

and any order under that section or subsection in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

12.—(1) An order made by a district council or district councils under section 9, 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.

Provision supplementary to sections 9 to 11.

PART I

(2) When any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.

(3) Two copies of every such order shall be sent to the Secretary of State.

Constitution
of parish
meeting, etc.

13.—(1) The parish meeting of a parish shall consist of the local government electors for the parish.

(2) Any act of a parish meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting, or, if an instrument under seal is required, by an instrument signed by those persons and sealed with the seal of the parish council in the case of a parish having a separate parish council or the parish trustees in any other case, if that council or those trustees have a seal, or, if they do not, with the seals of those persons.

(3) In a parish not having a separate parish council the chairman of the parish meeting and the proper officer of the district council shall be a body corporate by the name of "the Parish Trustees" with the addition of the name of the parish.

(4) The parish trustees of a parish shall act in accordance with any directions given by the parish meeting.

(5) Notwithstanding anything in any rule of law the parish trustees need not have a common seal, but where they have no seal any act of theirs which requires to be signified by an instrument under seal may be signified by an instrument signed and sealed by the persons who are the parish trustees.

Constitution
and powers of
parish council.

14.—(1) A parish council shall consist of the chairman and parish councillors and shall have all such functions as are vested in the council by this Act or otherwise.

(2) The parish council shall be a body corporate by the name "The Parish Council" with the addition of the name of the particular parish.

(3) Notwithstanding anything in any rule of law, a parish council need not have a common seal, but where a parish council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

Chairman and
vice-chairman
of parish
council or
meeting.

15.—(1) The chairman of a parish council shall be elected annually by the council from among the councillors.

(2) The election of a chairman shall be the first business transacted at the annual meeting of the parish council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the parish council,

he shall not be entitled to vote in the election except in accordance with subsection (3) below.

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(3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(5) A parish council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

(6) The parish council may appoint a member of the council to be vice-chairman of the council.

(7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.

(8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of parish councillors.

(9) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

(10) In a parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly elect a chairman for the year who shall continue in office until his successor is elected.

16.—(1) The number of parish councillors for each parish shall be such number not being less than five as may be fixed from time to time by the district council.

(2) Parish councillors shall be elected by the local government electors for the parish in accordance with this Act and Part I of the Representation of the People Act 1949.

1949 c. 68.

(3) Subject to any provision included in an order by virtue of section 67 below and to the provisions of paragraphs 12 and 13 of Schedule 3 to this Act, the ordinary elections of parish councillors shall take place in 1976, 1979 and every fourth year thereafter, their term of office shall be three years in the case of those elected at the ordinary elections in 1976 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of parish councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such

PART I councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.

(4) Where a parish is not divided into parish wards there shall be one election of parish councillors for the whole parish.

(5) Where a parish is divided into parish wards there shall be a separate election of parish councillors for each ward.

Parish meetings for parish wards, etc.

17. Where a parish meeting is required or authorised by or under any enactment to be held for a parish ward or other part of a parish—

(a) the persons entitled to attend and vote at the meeting, or to vote at any poll consequent thereon, shall be the local government electors registered in respect of qualifications in that parish ward or part of the parish ; and

(b) the provisions of this Act with respect to parish meetings for the whole of a parish, including the provisions with respect to the convening of a parish meeting by local government electors, shall apply as if the parish ward or part of the parish were the whole parish.

Miscellaneous

Establishment of new authorities in England.

18. Schedule 3 to this Act shall have effect with respect to the division of non-metropolitan counties into districts, the establishment of the new local authorities in England, the suspension of elections of members of existing local authorities there and related matters.

Extent of Part I.

19. This Part of this Act shall extend to England only.

PART II

LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

New local government areas

New local government areas in Wales.

20.—(1) For the administration of local government on and after 1st April 1974 Wales shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.

(2) The counties shall be those named in Part I of Schedule 4 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately

before the passing of this Act) in column 2 of that Part of that Schedule.

PART II

(3) In the counties specified in column 1 of Part II of that Schedule there shall be the districts respectively specified in column 2 of Part II of that Schedule and those districts shall comprise the areas respectively described as aforesaid in column 3 of that Part of that Schedule, and the Secretary of State may by order provide a name for any such district.

(4) On and after 1st April 1974 every district shall consist of one or more areas to be known as communities which shall be established in accordance with the following paragraphs:—

(a) the area of each borough existing immediately before that date shall on that date become a community of the district in which it is comprised and shall be known by the same name as the borough's ;

(b) the area of each urban district then existing which is wholly comprised in a district shall on that date become a community of that district and shall be known by the same name as the urban district's ;

(c) the area of each rural parish then existing shall on that date become a community of the district in which it is comprised and shall be known by the same name as the parish's ;

(d) in the districts specified in column 1 of Part III of Schedule 4 to this Act there shall on that date be established the communities respectively named in column 2 of that Part of that Schedule and described (by reference to administrative areas existing immediately before the passing of this Act) in column 3 of that Part of that Schedule.

(5) Part IV of Schedule 4 to this Act shall have effect in relation to the boundaries of the new local government areas.

(6) On 1st April 1974 all local government areas existing immediately before that date, that is to say, all administrative counties, boroughs, urban districts, rural districts and urban and rural parishes, shall cease to exist, and the following shall also cease to exist—

(a) the council of every such area which has a council ;

(b) in the case of a borough, the municipal corporation of the borough ;

(c) in the case of a parish, the parish meeting ;

(d) in the case of a parish for which there is no separate parish council, the representative body of the parish ;

(e) in the case of parishes included in a group, the common parish council.

PART II (7) In this section "Wales" includes the administrative county of Monmouthshire and the county borough of Newport.

Principal councils

Constitution of principal councils in Wales.

21.—(1) For every county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.

(2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.

(3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name "The County Council" or "The District Council", as the case may be, with the addition of the name of the particular county or district.

Members of principal councils

Chairman.

22.—(1) The chairman of a principal council shall be elected annually by the council from among the councillors.

(2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

(4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.

(5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

Election of chairman.

23.—(1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.

(2) If, apart from section 22(3) above or section 24(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

(3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

Vice-chairman.

24.—(1) A principal council shall appoint a member of the council to be vice-chairman of the council.

PART II

(2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

(3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

(4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

25.—(1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the Representation of the People Act 1949. Term of office and retirement of councillors.

(2) For the purposes of the election of councillors— 1949 c. 68.

(a) every county shall be divided into electoral divisions, each returning (subject to paragraph 2 of Schedule 5 to this Act) one councillor ; and

(b) every district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 2 or under or by virtue of the provisions of section 26 below or Part IV of this Act ;

and there shall be a separate election for each electoral division or ward.

26.—(1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire. Elections of councillors.

(2) Subject to subsection (3) below, a district council may in pursuance of the requisite resolution request the Secretary of State to provide—

(a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously ; or

(b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year ;

PART II indicating, in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection "the requisite resolution" means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

(3) A resolution may not be passed under subsection (2) above within ten years of a previous resolution thereunder.

(4) Where the Secretary of State receives a request under subsection (2)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (2)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 58 below.

(5) Where the Secretary of State receives a request under subsection (2)(b) above from a district council he may ask the Welsh Commission to make proposals in the light of the request with respect to—

- (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
- (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

and, where the Commission have not completed their review of the electoral arrangements for the district under paragraph 10 of Schedule 10 to this Act, they shall as part of that review consider the proposals to be made under this subsection and, in any other case, sections 59, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their conduct of a review under section 57 below and any such proposals shall be treated as if made under section 58 below.

(6) The ordinary elections of district councillors shall take place—

- (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
- (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.

(7) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to district councillors—

PART II

- (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter ;
- (b) except where an order is in force providing for the election of councillors by thirds, the whole number of the councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire ; and
- (c) where such an order is in force, one-third of the whole number of the councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

Communities

27.—(1) A meeting of the local government electors for a community (hereafter in this Act referred to as a community meeting) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings. Community meetings and councils.

(2) For the purpose of exercising functions on and after 1st April 1974 there shall be a community council for—

- (a) every community which is co-extensive with the area of a rural parish existing immediately before that date and having a separate parish council ;
- (b) every group of communities the areas of which are co-extensive with the areas of rural parishes existing immediately before that date and grouped under a common parish council ; and
- (c) any other community in respect of which the Secretary of State has directed under subsection (3) or (4) below that there is to be a community council.

PART II

(3) The Secretary of State shall, on an application in writing made to him before 1973 by the council of an existing borough (except an excepted borough) or of an existing urban district, being a borough or district the area or part of the area of which is co-extensive with the area of a community, direct that there shall be a council for the community for the purpose of exercising functions on and after 1st April 1974.

(4) The Secretary of State may, without any application under subsection (3) above, but after such consultations as he thinks proper, direct not later than 30th June 1973 that for the said purpose there shall be a community council for a particular community the area of which is co-extensive with the area or part of the area of an existing borough (except an excepted borough) or of an existing urban district.

(5) A community meeting of a community having a separate community council may, after 1st April 1974 and before the submission to the Secretary of State of the report of the Commission on the special community review relating to that community, apply to the district council for the dissolution of the community council, and thereupon the district council may by order dissolve the community council.

(6) In this section "excepted borough" means the borough of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda or Swansea.

Establishment
and dissolution
of community
councils.

28.—(1) A community meeting of a community which has not a separate community council and is not co-extensive with a district may, at any time except as provided by section 30 below, apply to the district council for an order establishing a council for the community, and thereupon the district council shall make such an order accordingly.

1949 c. 68.

(2) An order establishing a separate community council for a community shall make such provision as appears to the district council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1949.

(3) An order shall not be made under this section establishing a separate community council for a community grouped under a common community council unless by that order or an order under section 29(4) below the community is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the community council of the group.

(4) A community meeting of a community having a separate community council may, at any time except as provided by

section 30 below, apply to the district council for the dissolution of the community council, and thereupon the district council shall by order dissolve the community council.

PART II

29.—(1) A community meeting of a community may, at any time except as provided by section 30 below, apply to the district council for an order grouping the community with some neighbouring community or communities in the same district under a common community council or by adding the community to an existing group of such communities under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.

Orders for grouping communities, dissolving groups and separating communities from groups.

(2) Communities shall not be grouped without the consent of a community meeting of each of the communities.

(3) A grouping order shall make the necessary provision—

(a) for the name of the group ;

(b) for the election in accordance with this Act and Part I of the Representation of the People Act 1949 of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to the group, for that community or for the wards of that community ;

(c) for the application to the communities included in the group of all or any of the provisions of section 37 of the Charities Act 1960 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community ;

(d) for the dissolution of the separate community council of any community included in the group ;

and the order may provide for any necessary adaptations of this Act to the group of communities.

(4) The council of a group of communities or a community meeting of a community included in a group of communities may, at any time except as provided by section 30 below, apply to the district council for an order dissolving the group or separating one or more of those communities from the group, and the district council may thereupon make an order accordingly, and an order so made shall make such provision as appears to the district council to be necessary for the election of a community council for any of the communities in the group, where it is dissolved, and for any of the communities separated from the group, where it is not.

PART II
Restriction
on community
applications
during and
after reviews.

30.—(1) Subject to subsection (3) below, no community application shall be made in relation to any community—

- (a) until the expiration of two years beginning with the coming into force of an order under Schedule 10 to this Act consequent on the report of the Commission on the special community review relating to that community ; or
- (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of the Commission or Commissions on a review under that Part of this Act of the county or district of which the community forms part or, as the case may be, of the community ; or
- (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.

(2) In relation to an application under section 28(4) above subsection (1) above shall have effect as if for the words “ two years ”, in each place where they occur, there were substituted the words “ five years ”.

(3) The Secretary of State may, on an application made by the Commission or Commissions at any time when conducting a review under Part IV of this Act or on an application by a district council at any time when conducting such a review, direct that no community application shall be made in relation to any community affected by the review until the Secretary of State further directs.

(4) Notwithstanding anything in subsections (1) and (2) above but without prejudice to subsection (3) above, the Secretary of State may permit the making of a community application in relation to a community if requested to do so by the council of the district in which the community is situated or by the community council (if any) or a community meeting of the community.

(5) In this section “ community application ” means any application under section 28 or 29 above.

Provision
supplementary
to sections
27 to 29.

31.—(1) An order made by a district council under section 27, 28 or 29 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.

(2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.

PART II

(3) Two copies of every such order shall be sent to the Secretary of State.

32.—(1) A community meeting of a community shall consist of local government electors for the community.

Constitution
of community
meeting.

(2) A community meeting may authorise the person presiding and two other local government electors present at the meeting to do anything or any class of things authorised by the meeting.

(3) Any act of a community meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting.

33.—(1) A community council shall consist of the chairman and community councillors and shall have all such functions as are vested in the council by this Act or otherwise.

Constitution
and powers of
community
council.

(2) The community council shall be a body corporate by the name "The Community Council" with the addition of the name of the particular community.

(3) Notwithstanding anything in any rule of law, a community council need not have a common seal, but where a community council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

34.—(1) The chairman of a community council shall be elected annually by the council from among the councillors.

Chairman and
vice-chairman
of community
council.

(2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.

(3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(5) A community council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

(6) A community council may appoint a member of the council to be vice-chairman of the council.

PART II

(7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.

(8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.

(9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

Community
councillors.
1949 c. 68.

35.—(1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the Representation of the People Act 1949.

(2) Subject to any provision included in an order by virtue of section 67 below, the ordinary elections of community councillors shall take place in 1974, 1979 and every fourth year thereafter, their term of office shall be five years in the case of those elected at the ordinary elections in 1974 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of community councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1979 the newly elected councillors shall come into office on the day on which their predecessors retire.

(3) Where a community is not divided into community wards there shall be one election of community councillors for the whole community.

(4) Where a community is divided into community wards there shall be a separate election of community councillors for each ward.

Community
meetings for
community
wards, etc.

36. Where a community meeting is required or authorised by or under any enactment to be held for a community ward or other part of a community—

(a) the persons entitled to attend and vote at the meeting, or to vote at any poll consequent thereon, shall be the local government electors registered in respect of qualifications in that community ward or part of the community; and

(b) the provisions of this Act with respect to community meetings for the whole of the community, including the provisions with respect to the convening of a community meeting by local government electors, shall apply as if the community ward or part of the community were the whole community.

Miscellaneous

PART II

37. Schedule 5 to this Act shall have effect with respect to the establishment of new local authorities in Wales, the suspension of elections of members of existing local authorities there and related matters. Establishment of new authorities in Wales.

38. This Part of this Act shall extend to Wales only.

Extent of Part II.

PART III

REGISTRATION OF ELECTORS AND CONDUCT OF ELECTIONS

39. In England and Wales the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or contained in the district or borough, and the Common Council shall appoint an officer to be registration officer for any part of the constituency containing the City and the Temples. Registration officers.

40.—(1) In England and Wales the returning officer for a parliamentary election shall be— Returning officers at parliamentary elections.

- (a) in the case of a county constituency which is coterminous with or wholly contained in a county, the sheriff of the county ;
- (b) in the case of a borough constituency which is coterminous with or wholly contained in a district, the chairman of the district council ;
- (c) in the case of any other constituency wholly outside Greater London, such sheriff or chairman of a district council as may be designated in an order made by the Secretary of State ;
- (d) in the case of a constituency which is coterminous with or wholly contained in a London borough, the mayor of the borough ;
- (e) in the case of a constituency wholly or partly in Greater London which is situated partly in one London borough and partly in a district or any other London borough, the mayor of such London borough or the chairman of such district council as may be designated in an order made by the Secretary of State.

(2) The City and the Temples shall be treated for the purposes of this section as if together they formed a London borough.

(3) For section 18(1) of the 1949 Act (discharge of functions of returning officer) there shall be substituted the following subsections :—

“ (1) In England and Wales the duties of the returning officer for parliamentary elections except those excepted by

PART III

subsection (1A) of this section shall be discharged, as acting returning officer—

- (a) in the case of a constituency for which the chairman of a district council or the mayor of a London borough is returning officer by virtue of section 40(1) of the Local Government Act 1972, by the registration officer appointed by that council;
- (b) in the case of any other constituency, by such registration officer as may be designated in an order made by the Secretary of State.

(1A) The duties excepted from subsection (1) are—

- (a) any duty imposed on a returning officer under rule 3 of the parliamentary elections rules; and
- (b) any duties so imposed under rule 51 of those rules which the person (if any) who for the time being holds the office of returning officer reserves to himself and undertakes to perform in person.

(1B) In the event of the death of a sheriff the acting returning officer shall discharge all the duties of sheriff as returning officer until another sheriff is appointed and has made the declaration of office.”

1887 c. 55.

(4) Section 25 of the Sheriffs Act 1887 (death of sheriff) shall not authorise the under-sheriff to discharge the duties of returning officer.

(5) A parliamentary election shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

Returning officers at local government elections.

41.—(1) Every county council shall appoint an officer of the council to be the returning officer for elections of councillors of the county and every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes or communities within the district.

(2) The returning officer at an election of a councillor of the Greater London Council shall be the proper officer of the borough which constitutes or includes the electoral area for which the election is held or, in the case of the electoral area which includes the City and the Temples, the proper officer of the City of Westminster.

(3) The returning officer at an election of London borough councillors shall be the proper officer of the borough.

(4) The returning officer at any election mentioned in subsections (1) to (3) above may by writing under his hand appoint one or more persons to discharge all or any of his functions.

PART III

(5) A local government election shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

42.—(1) Elections of councillors for all local government areas shall be conducted in accordance with rules made by the Secretary of State and not (in the case of elections of councillors of counties, the Greater London Council and London boroughs) in accordance with the local elections rules in Schedule 2 to the 1949 Act. Conduct of local government elections.

(2) Accordingly references in that Act and the Representation of the People Act 1969 to local elections rules shall be construed as references to rules made under this section and references in those Acts to parish election rules shall be construed as references to rules under this section relating to the conduct of elections of parish or, as the case may be, community councillors. 1969 c. 13.

(3) Rules made under this section shall apply the parliamentary elections rules in Schedule 2 to the 1949 Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

(4) When the following ordinary elections fall to be held in the same year, that is to say—

- (a) the ordinary election of district councillors for any district ward ; and
- (b) the ordinary election of parish or community councillors for any parish or community, or any parish or community ward, which is co-extensive with or situated in that district ward ;

the polls at those elections shall be taken together and one-half of the cost of taking the combined polls shall be treated as attributable to the holding of each election.

(5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a principal area shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

(6) All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish or community councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the

PART III district in which the parish or the community is situated, exceed that scale, be paid by the district council, but any expenditure so incurred shall be chargeable only on the parish or community for which the election is held.

(7) Before a poll is taken at an election of a councillor for any local government area the council of that area or, in the case of an election of a parish or community councillor, the council who appointed the returning officer shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

(8) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Ordinary
day of
election.

43. In every year after 1974 the ordinary day of election of councillors shall be the same for all local government areas in England and Wales and shall be the first Thursday in May or such other day as may be fixed by the Secretary of State by order made not later than 1st February in the year preceding the first year in which the order is to take effect.

Omission
to hold
election or
election void.

44.—(1) If at an election of a councillor for any local government area—

(a) the poll is abandoned or countermanded for any reason ;
or

(b) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held ;

the returning officer or, in the case of an election of a councillor of the Greater London Council, the proper officer of the Council shall order an election to be held on a day appointed by him to fill any vacancy which remains unfilled, being a day falling within the period of forty-two days (computed in accordance with section 243(4) below) beginning with the day fixed as the day of election for the first mentioned election.

(2) If for any other reason an election to an office under this Act, other than that of chairman of a parish or community council or parish meeting or parish or community councillor, is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, the High Court may order an election to be held on a day appointed by the Court.

(3) The High Court may order that the costs incurred by any person in connection with proceedings under subsection (2) above shall be paid by the local authority concerned.

PART III

(4) In a case not falling within subsection (1) above, if any difficulty arises with respect to an election of parish or community councillors or of an individual parish or community councillor, or to the first meeting of a parish or community council after an ordinary election of parish or community councillors, or if, because an election is not held or is defective, or for any other reason, a parish or community council is not properly constituted, the district council may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council, and may, if it appears to them necessary, direct the holding of an election or meeting and fix the date for it.

(5) An order under this section may include such modifications of the provisions of this Act and rules under section 42 above or Part I of the 1949 Act as appear to the High Court or, as the case may be, the district council necessary or expedient for carrying the order into effect.

(6) In the case of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts, references in subsections (4) and (5) above to the district council shall be construed as references to the council of the district in which there is the greater number of local government electors for the parishes in the group.

(7) Two copies of every order made by a district council under this section shall be sent to the Secretary of State.

(8) If a municipal election in a London borough is not held on the appointed day or within the appointed time or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from acting.

45.—(1) Schedule 6 to this Act shall have effect for the purpose of amending and otherwise modifying the operation of the Representation of the People Acts and other enactments relating to parliamentary and local government elections, being amendments and modifications necessary or expedient in consequence of other provisions of this Act. Supplementary.

(2) In this Part of this Act “the 1949 Act” means the 1949 c. 68. Representation of the People Act 1949, and “registration officer” has the same meaning as in that Act.

PART IV

CHANGES IN LOCAL GOVERNMENT AREAS

Proposals by Local Government Boundary Commission for England

46.—(1) There shall be a Local Government Boundary Commission for England (in this Act referred to as “the English Commission”) who shall carry out the functions conferred on them by or under this Act. Local Government Boundary Commission for England.

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(2) The provisions of Schedule 7 to this Act shall have effect with respect to the English Commission.

Proposals
for changes
in local
government
areas in
England.

47.—(1) Subject to subsections (2) and (3) below, the English Commission may in consequence of a review conducted by them or a district council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

- (a) the alteration of a local government area ;
- (b) the constitution of a new local government area of any description outside Greater London by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of such an area of the like description ;
- (c) the abolition of a principal area of any description outside Greater London and its distribution among other areas of the like description ;
- (d) the conversion of a metropolitan into a non-metropolitan county or of a non-metropolitan into a metropolitan county and in consequence thereof the conversion of a metropolitan into a non-metropolitan district or of a non-metropolitan into a metropolitan district within the county ;
- (e) the constitution of a new London borough by the amalgamation of two or more London boroughs or by the aggregation of parts of London boroughs or by the separation of part of a London borough ;
- (f) the abolition of a London borough and the distribution of its area among other London boroughs ;
- (g) the constitution of a new parish by—
 - (i) the establishment of any area which is not a parish or part of one as a parish ; or
 - (ii) the aggregation of the whole or any part of any such area with one or more parishes or parts of parishes ;
- (h) the abolition of a parish with or without the distribution of its area among other parishes ;
- (i) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is a change (hereafter in this Part of this Act referred to as a substantive change) which

is independent of any change in local government areas so proposed.

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(2) The English Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a parish except in accordance with section 50(7) below.

(3) The English Commission shall not make any such proposals for the conversion of a metropolitan into a non-metropolitan county or of a non-metropolitan into a metropolitan county before the first review carried out by the Commission under section 48(1) below.

(4) For the purposes of subsection (1)(b) and (c) above metropolitan and non-metropolitan counties are areas of a like description and so are metropolitan and non-metropolitan districts.

48.—(1) Subject to subsection (2) and section 49(5) below, it shall be the duty of the English Commission not less than ten or more than fifteen years after 1st April 1974 and thereafter at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection to review—

Duty and power to review local government areas in England.

- (a) all counties in England, all metropolitan districts and all London boroughs ;
- (b) the boundaries between Greater London and the counties adjoining it and between the City and the London boroughs adjoining it ;

for the purpose of considering whether or not to make such proposals in relation to all or any, or any part, of those areas or boundaries as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(2) The Secretary of State may by direction given to the English Commission vary the length of any interval specified in subsection (1) above either as respects the whole review or as respects any particular case or class of case.

(3) At a time when the English Commission are not conducting a review under subsection (1) above, they may, subject to section 49(5) below, review all or any, or any part, of the areas mentioned in subsection (1)(a) above or of the boundaries mentioned in subsection (1)(b) above for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(4) If the English Commission receive a request from a local authority or parish meeting that the Commission should conduct a review under subsection (3) above with respect to any area

PART IV or boundary in England in which the authority or meeting appear to the Commission to be interested, the Commission shall consider the request.

(5) Subject to section 49(5) below, it shall be the duty of the English Commission to keep under review all non-metropolitan districts for the purpose of considering whether or not to make such proposals in relation to any such districts as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority or parish meeting appearing to the Commission to be interested in any such district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.

1965 c. 59. (6) In any case where the Secretary of State has made an order under section 1 of the New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the English Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission, subject to section 49(5) below, to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 47 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(7) Subject to section 49(5) below, the English Commission may at any time review the boundaries between the Inner Temple or the Middle Temple and the City or the City of Westminster for the purpose of considering whether or not to make such proposals with respect to any such boundaries as are authorised by section 47 above and what proposals, if any, to make and shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made with respect to any such boundaries by the Common Council, the Council of the City of Westminster, the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.

(8) Subject to section 49(5) below, it shall be the duty of the council for each district in England to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the English Commission for

such proposals with respect to the constitution of new parishes, the abolition of parishes or the alteration of parishes in their district as are authorised by section 47 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any parish council or parish meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.

(9) The English Commission shall consider any report made under subsection (8) above with respect to any district in England and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 47 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

49.—(1) The Secretary of State may direct the English Commission to conduct a review of the principal areas in England as a whole, or of any one or more local government areas or parts of such areas in England, for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 47 above and what proposals, if any, to make and the Commission shall, if they think fit, formulate such proposals accordingly.

Power of Secretary of State to direct holding or postponement of reviews.

(2) The Secretary of State may, at the request of the English Commission or otherwise, direct the council of a district in England to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new parishes, the abolition of parishes or the alteration of parishes in their district as are authorised by section 47 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.

(3) The English Commission shall consider any report made under subsection (2) above with respect to any district in England and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not,

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as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 47 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

(4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the English Commission, the Secretary of State may direct the English Commission to conduct the review which the district council were directed to conduct the review which the district whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(5) The Secretary of State may direct—

- (a) the English Commission not to undertake during a specified period a review of any one or more local government areas or parts of such areas, or boundaries between such areas, which the Commission have the duty or power to review under section 48 above; and
- (b) a district council not to undertake during a specified period a review of the whole or any specified part of their district which they have power to review under that section.

Substantive
changes in
electoral
arrangements.

50.—(1) No review shall be conducted under section 48 or 49 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.

(2) It shall be the duty of the English Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 9 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in England for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(3) Without prejudice to subsection (2) above, the English Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in England for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(4) It shall be the duty of the council of each district in England to keep under review the electoral arrangements for the parishes (if any) in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make, and the council shall consider any request made with respect to those arrangements by the council for, or not less than thirty local government electors of, any parish appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.

(5) The English Commission may, on a request made by the council for, or not less than thirty local government electors of, any parish, review the electoral arrangements for the parish for the purpose of considering whether or not to make proposals to the district council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.

(6) Where a district council have received proposals from the English Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.

(7) If after receiving any such proposals a district council inform the English Commission that in their opinion the order proposed should not be made (whether with or without modifications) or, if within six months of receiving any such proposals the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.

(8) No representations shall be made after the passing of this Act under paragraph 1 of Part III of Schedule 1 to the 1963 Act (consideration of electoral arrangements for London boroughs).

PART IV
Commission's
reports and
their imple-
mentation.

51.—(1) Where the English Commission have—

- (a) in accordance with section 48 or 49 above been conducting a review of any area or considering any recommendations made by a district council ; or
- (b) in accordance with section 50 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State ;

and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

(2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Commission, either as submitted to him or with modifications :

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

(3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.

(4) Any statutory instrument containing an order under this section which alters the area of a county, district or London borough, the City, the Inner Temple or the Middle Temple or abolishes a county, district or London borough shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Directions
about reviews.

52.—(1) The Secretary of State may give the English Commission or the council of a district in England directions for their guidance in conducting reviews under section 48, 49 or 50 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.

(2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of all or any class of the principal areas in England except after consultation with associations appearing to the Secretary of State to be representative of local authorities.

(3) The Secretary of State may give directions to the English Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 48 or 49 above.

PART IV

Proposals by Local Government Boundary Commission for Wales

53.—(1) There shall be a Local Government Boundary Commission for Wales (in this Act referred to as “the Welsh Commission”) who shall carry out the functions conferred on them by or under this Act.

Local Government Boundary Commission for Wales.

(2) The provisions of Schedule 8 to this Act shall have effect with respect to the Welsh Commission.

54.—(1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a district council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

Proposals for changes in local government areas in Wales.

- (a) the alteration of a local government area ;
- (b) the constitution of a new local government area of any description by the amalgamation of two or more such areas of the like description or by the aggregation of parts of such areas of the like description or by the separation of part of such an area of the like description ;
- (c) the abolition of a local government area of any description and its distribution among other areas of the like description ;
- (d) the constitution of a new community by—
 - (i) the establishment of any area which is not a community or part of one as a community ;
 - (ii) the aggregation of the whole or any part of any such area with one or more communities or parts of communities ;
- (e) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is a substantive change.

(2) The Welsh Commission shall not make any proposals to the Secretary of State under this section for a substantive

PART IV change of electoral arrangements for a community except in accordance with section 57(7) below.

Review of
local
government
areas in
Wales.

55.—(1) It shall be the duty of the Welsh Commission to keep under review all counties and districts in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such county or district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.

(2) Upon the completion, in relation to their district, of the special community review under Schedule 10 below it shall be the duty of the council for each district in Wales to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.

(3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

(4) In any case where the Secretary of State has made an order under section 1 of the New Towns Act 1965 designating

any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any of the following:—

- (a) the constitution of a council for a community (other than a community which is co-extensive with a district) or a group of such communities ;
- (b) the dissolution of a community council, whether separate or common ;
- (c) the separation of a community from a group of communities having a common community council ;
- (d) the addition of a community to a group of communities having a common community council ;
- (e) the making of provision for electoral arrangements for any community or group of communities which is consequential on any change proposed under the foregoing paragraphs ;

and subsections (1) to (3) above shall apply in relation to proposals for any of those matters and recommendations for such proposals as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

56.—(1) The Secretary of State may direct the Welsh Commission to conduct a review of Wales as a whole, or of any one or more local government areas or parts of such areas in Wales, for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

Power of Secretary of State to direct holding of reviews.

(2) The Secretary of State may, at the request of the Welsh Commission or otherwise, direct the council of a district in

PART IV Wales to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.

(3) The Welsh Commission shall consider any report made under subsection (2) above with reference to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.

(4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in local government areas, they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any such matters as are mentioned in section 55(5) above, and subsections (1) to (3) of that section shall apply in relation to such proposals and recommendations as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

Substantive
changes in
electoral
arrangements.

57.—(1) No review shall be conducted under section 55 or 56 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.

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(2) It shall be the duty of the Welsh Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 10 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(3) Without prejudice to subsection (2) above, the Welsh Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

(4) It shall be the duty of the council of each district in Wales to keep under review the electoral arrangements for the communities in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make and the council shall consider any requests made with respect to those arrangements by the council for, or not less than thirty local government electors of, any community appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.

(5) The Welsh Commission may, on a request made by the council for, or not less than thirty local government electors of, any community, review the electoral arrangements for the community for the purpose of considering whether or not to make proposals to the district council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.

(6) Where a district council have received proposals from the Welsh Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.

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(7) If after receiving any such proposals a district council inform the Welsh Commission that in their opinion the order proposed should not be made (whether with or without modifications) or if, within six months of receiving any such proposals, the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.

Commission's reports and their implementation.

58.—(1) Where the Welsh Commission have—

- (a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a district council; or
- (b) in accordance with section 57 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;

and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

(2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Welsh Commission, either as submitted to him or with modifications:

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

(3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.

(4) Any statutory instrument containing an order under this section which alters the area of a county or district or abolishes a county or district shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Directions about reviews.

59.—(1) The Secretary of State may give the Welsh Commission or the council of a district in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above and making proposals or recommendations or considering

substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.

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(2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of all or any class of the principal areas in Wales except after consultation with associations appearing to the Secretary of State to be representative of local authorities.

(3) The Secretary of State may give directions to the Welsh Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 55 or 56 above.

Conduct of reviews

60.—(1) A Commission or district council proposing to conduct a review under the foregoing provisions of this Part of this Act shall take such steps as they think fit to secure that persons who may be interested in the review are informed of the proposal to conduct it and of any directions of the Secretary of State which are relevant to it. Procedure for reviews.

(2) In conducting any such review a Commission or district council shall—

(a) consult—

(i) the council of any local government area affected by the review, and such other local authorities and public bodies as appear to them to be concerned ;

(ii) any bodies representative of staff employed by local authorities who have asked the Commission or the council, as the case may be, to be consulted ; and

(iii) such other persons as they think fit ;

(b) take such steps as they think fit for securing that persons who may be interested in the review are informed of any draft proposals or recommendations, any draft of an order under section 50(4) or 57(4) above or any interim decision not to make proposals or recommendations or any such order and of the place or places where those proposals or recommendations or that order or decision can be inspected ;

(c) in particular, deposit copies of those proposals or recommendations or that order or decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement ; and

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(d) take into consideration any representations made to them within that period.

(3) In considering any recommendations made by a district council in consequence of a review conducted by them under this Part of this Act a Commission may consult the council of any local government area affected by the review, such other local authorities and public bodies as appear to them to be concerned and such other persons as they think fit.

(4) Where a Commission propose to modify any proposals recommended by a district council as aforesaid or not to submit any such proposals, the Commission shall—

(a) take such steps as they think fit for securing that persons who may be interested in any modification or decision are informed of it and of the place or places where it can be inspected ;

(b) deposit copies of any draft modification or the decision at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices for a period specified in the requirement ; and

(c) take into consideration any representations which may be made to them with respect to any such modification or decision within that period.

(5) Where a Commission or a district council make a report, proposals or recommendations under this Part of this Act they shall—

(a) take such steps as they think fit for securing that persons who may be interested in the report, proposals or recommendations are informed of the report, proposals or recommendations and of the place or places where they can be inspected ;

(b) in particular, deposit copies of the report, proposals or recommendations at the offices of any principal council whose area may be affected thereby and require any such council to keep the copies available for inspection at their offices until the expiration of six months after the making of an order giving effect, with or without modifications, to the proposals or recommendations or after a notification by the Commission that they have no proposals to put forward or, as the case may be, by the Secretary of State that he does not propose to give effect to the proposals of the Commission.

(6) Subject to subsections (1) to (5) above, the Secretary of State may make regulations prescribing the procedure by which a Commission or, as the case may be, a district council are to conduct a review under this Part of this Act or by which a Commission are to consider recommendations of a district council thereunder.

(7) Subject to those subsections and to any regulations made under subsection (6) above, the procedure of a Commission or a district council in conducting any such review and the procedure of the Commission in considering any such recommendations shall be such as they may determine.

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61.—(1) A Commission or district council may cause a local inquiry to be held with respect to any review carried out by them under this Part of this Act. Local inquiries.

(2) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commission or district council causing the inquiry to be held.

Border between England and Wales

62.—(1) The English Commission and the Welsh Commission may jointly review the boundary between a county in England and a county in Wales and, with the consent of the councils of both counties, make joint proposals to the Secretary of State for making alterations to the boundary appearing to the Commissions desirable in the interests of effective and convenient local government and for making consequential changes to the electoral arrangements for any area in those counties. Alterations in the boundaries between English and Welsh counties.

(2) The Commissions shall before making proposals under this section—

- (a) give public notice in such manner as appears to the Commissions to be sufficient for informing persons likely to be concerned that they are holding a review under this section ;
- (b) prepare draft proposals and furnish copies of them to all public bodies appearing to the Commissions to be affected thereby and require those bodies which are principal councils to make copies available for inspection at their offices for a period specified in the requirement ;
- (c) on furnishing such copies as aforesaid give public notice as aforesaid that copies of the draft proposals are available for inspection as aforesaid and that objections to the proposals may be made to the Commissions within a time specified in the notice ;
- (d) consider any objections received by the Commissions within that time and, if they think fit, cause a local inquiry to be held with respect to the proposals.

(3) Section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this section with the substitution for references to a Minister of references to the Commissions.

(4) The Secretary of State may give both the Commissions directions for their guidance in conducting a review and making proposals under this section.

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(5) Where the Commissions have in accordance with this section completed a review thereunder, they shall submit to the Secretary of State a report on the review together with the proposals they have formulated or, as the case may be, a notification that they have no proposals to put forward, and section 60(5) above shall apply to the report and proposals as it applies to any report or proposals mentioned therein.

(6) Subject to the foregoing provisions of this section, the procedure of the Commissions for conducting a review under this section shall be such as they may determine.

(7) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section either as submitted to him or with such modifications as he may agree with the county councils concerned.

(8) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

Initial reviews

Review of electoral arrangements (England).

63. Schedule 9 to this Act shall have effect with respect to the initial review of electoral arrangements for counties and districts in England.

Special community review and review of electoral arrangements (Wales).

64. Schedule 10 to this Act shall have effect with respect to the review of Wales with a view to the making of changes in the areas, councils and electoral arrangements of communities in Wales and with respect to the initial review of electoral arrangements for counties and districts in Wales.

Supplementary provisions

Delegation of functions of Commission.

65.—(1) A Commission may appoint one or more members of the Commission—

- (a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
- (b) to report to the Commission accordingly.

(2) At the request of a Commission the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.

(3) The appointment of an assistant commissioner under subsection (2) above—

- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and

- (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

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66.—(1) The Commissions acting jointly may appoint one or more members of either or both of the Commissions—

Delegation of functions of Commissions acting jointly.

- (a) to hold any local inquiry or to carry out any consultation or investigation which the Commissions, acting jointly, are required or authorised to hold or carry out under this Act ; and

- (b) to report to the Commissions accordingly.

(2) At the request of the Commissions the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.

(3) The appointment of an assistant commissioner under subsection (2) above—

- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment ; and

- (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

67.—(1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of orders under this Part of this Act or for giving full effect thereto ; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

Consequential and transitional arrangements relating to Part IV.

(2) Regulations under this section may in particular include, in addition to any provision made by virtue of section 255 below, provision of general application with respect to—

- (a) the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities ;

- (b) the functions or areas of jurisdiction of any public body, justice of the peace, stipendiary magistrate, coroner, custos rotulorum, lord-lieutenant, lieutenant, high sheriff and other officers (including police officers) within any area affected by any such order, and the costs and expenses of such public bodies and persons as aforesaid ;

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(c) the transfer of legal proceedings ;

and may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of an Act, an instrument made under an Act or a charter.

(3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) An order under this Part of this Act may include the like provision in relation to the order as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above ; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(5) Any such order may also include provision with respect to—

- (a) the name of any altered area ;
- (b) the constitution and election of public bodies in any area affected by the order ;
- (c) the total number of councillors and aldermen (if any), the apportionment of councillors among electoral areas, the assignment of existing councillors to new or altered electoral areas, the first election of councillors for any new or altered electoral area, and the first election of aldermen (if any) ;
- (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral areas in the local government area in question in a case where substantial changes have been made to some of those areas ;
- (e) without prejudice to paragraph (c) above, the order of retirement of councillors for any such electoral area ;
- (f) in the case of an order relating to the system of election of district councillors, the ordinary year of election and the order of retirement of parish or community councillors for any parish or community situated in the district ;
- (g) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the order.

Transitional
agreements as
to property
and finance.

68.—(1) Any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.

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- (2) The agreement may provide—
- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property ;
 - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person ; and
 - (c) for the making of any such payment either by way of a capital sum or of a terminable annuity.
- (3) In default of agreement as to any matter, the matter shall be referred to the arbitration of a single arbitrator agreed on by the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbitrator may provide for any matter for which an agreement under this section might have provided.
- (4) Any sum required to be paid by a public body in pursuance of an agreement or award under this section may be paid out of such fund or rate as may be specified in the agreement or award, or if no fund or rate was specified, either out of the fund or rate from which the general expenses of the public body are defrayed, or out of such fund or rate as the public body may direct.
- (5) For the purposes of paying any capital sum required to be paid by a public body in pursuance of any such agreement or award—
- (a) a local authority may borrow without the approval of the Secretary of State, but so that the sum borrowed shall be repaid within such period as the authority with the consent of the Secretary of State may determine ;
 - (b) any other public body having power under any enactment or any instrument made under any Act to borrow may borrow under that enactment or instrument ; and
 - (c) a public body having no power under any enactment or any such instrument to borrow may be empowered by an order made by the Secretary of State to borrow in such manner and in accordance with such conditions as may be provided by the order.
- (6) Subject to subsection (7) below, capital money received by a local authority other than a parish council, parish meeting or community council in pursuance of an agreement or award under this section shall be applied either—
- (a) at the discretion of the local authority in one or more of the following ways, namely,—
 - (i) for the purposes of a service whose cost is borne by the housing revenue account or by the county fund, the general fund of the Greater London

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Council or the general rate fund, being a purpose for which the authority have obtained the approval of the Secretary of State or have been authorised by a local enactment to borrow money on terms providing for repayment within a period of not less than 15 years ;

(ii) in or towards the repayment of a debt incurred by the authority for the purpose of any such service as aforesaid, being a debt repayable within a period of which, at the date of the application of the money, not less than 15 years remain unexpired ;

(iii) in making, in each of not less than 15 consecutive financial years, payments each of equal amount into the county fund, the general fund of the Greater London Council or the general rate fund ;

(iv) in making a payment into a capital fund established by them under paragraph 16 of Schedule 13 to this Act ; or

(b) with the approval of the Secretary of State in or towards the repayment of a debt incurred by the authority (other than such a debt as is mentioned in paragraph (a)(ii) above) or otherwise for a purpose for which, apart from this subsection, capital money may be applied ;

and capital money received by any other public body in pursuance of an agreement or award under this section shall be applied in such manner as the Secretary of State may approve towards the discharge of any debt of the body or otherwise for a purpose for which capital money may be applied.

(7) Capital money shall not be applied by a local authority under subsection (6) above—

(a) in pursuance of paragraph (a)(i) thereof, for a purpose of any undertaking of the authority, being a transport, water, district heating, harbour, dock, pier or ferry undertaking, or a market or civic restaurant, or

(b) in pursuance of paragraph (a)(ii) thereof, in or towards repayment of a debt incurred for a purpose of any such undertaking, market or restaurant, or

(c) in pursuance of paragraph (a)(iv) thereof, so as to make the fund mentioned in that sub-paragraph exceed such sum as the Secretary of State may from time to time determine, either generally or in any particular case.

(8) Any agreement or award under this section which relates to the profits of local taxation licences shall, so far as it so relates, be carried out in accordance with regulations made by the Secretary of State.

(9) Subsection (8) above shall apply to—

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- (a) an adjustment made under section 151 of the 1933 Act, whether as originally enacted or as applied by any other enactment or any instrument made under any Act ; and
- (b) an adjustment made under section 32 or 62 of the Local Government Act 1888, whether as originally enacted or as so applied, and consequent on an alteration of areas effected after 31st March 1930 ;

as it applies in relation to an agreement or award under this section.

69.—(1) The power conferred by section 266 below to vary and revoke orders under this Act shall, in the case of orders under this Part of this Act, apply only in relation to any supplementary provision contained in any such order, and an order varying or revoking any such provision shall only be made after compliance with subsections (2) and (3) below.

Variation and revocation of orders under Part IV, etc.

(2) The Secretary of State or district council proposing to make any such varying or revoking order shall prepare a draft of the order, shall send copies of the draft to such local or public authorities as appear to him or them to be concerned, and shall give public notice, in such manner as appears to him or them sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at a place specified in the notice and that representations with respect to the draft may be made to him or them within two months of the publication of the notice.

(3) The Secretary of State or district council shall consider any representations duly made with respect to the draft and may, if he or they think fit, make an order either in the form of the draft or subject to modifications.

(4) The Secretary of State or a district council may cause a local inquiry to be held with respect to the draft and section 250(2), (3) and (5) below shall apply in relation to an inquiry held under this subsection by a district council with the substitution for references to a Minister of references to the council.

(5) Any supplementary provision contained in an order made by a Minister of the Crown under any of the following enactments (being enactments making provision corresponding to some or all of the foregoing provisions of this Part of this Act), that is to say—

- (a) section 46 of the Local Government Act 1929 ; 1929 c. 17.
- (b) Part VI of the 1933 Act ;
- (c) Part II of the Local Government Act 1958 ; 1958 c. 55.

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(d) section 6 of the 1963 Act ;

(e) any enactment repealed by the 1933 Act and corresponding to any enactment in the said Part VI ;

may be varied or revoked by an order made by the Secretary of State, and subsections (2) to (4) above shall apply in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.

(6) Any supplementary provision contained in an order made under any of the enactments mentioned in subsection (5) above by a county council may be varied or revoked in relation to any new district to which or part of which that provision relates by an order made by the council of the district, and subsections (2) to (4) above shall apply with all necessary modifications in relation to any such order as they apply in relation to orders varying or revoking orders under this Part of this Act.

(7) In this section " supplementary provision " means any such provision as could be made by an order under this Part of this Act by virtue of section 67 above or section 255 below.

Miscellaneous

Restriction on promotion of Bills for changing local government areas, etc.

70. No local authority shall have power to promote a Bill for forming or abolishing any local government area or for altering, or altering the status or electoral arrangements of, any local government area.

Modification of seaward boundaries of local government areas.

71.—(1) A Commission may at any time review so much of the boundary of any county as lies below the high-water mark of medium tides and does not form a common boundary with another county and may make proposals to the Secretary of State for making alterations to any part of the boundary so as to include in the county any area of the sea which at the date of the proposals is not, in whole or in part, comprised in any other county or to exclude from the county any area of the sea which at that date is comprised in the county.

(2) The Secretary of State may direct a Commission to conduct a review under this section of a particular boundary or not to undertake during a specified period such a review of a particular boundary, and may give a Commission directions for their guidance in conducting a review and making proposals under this section.

(3) Subsections (1), (2), (5), (6) and (7) of section 60 above shall apply in relation to a review under this section as they apply in relation to a review under the provisions of this Part of this Act which precede that section.

(4) The Secretary of State may if he thinks fit by order give effect to any proposals made to him under this section, either as submitted to him or with modifications.

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(5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

72.—(1) Subject to subsection (3) below, every accretion from the sea, whether natural or artificial, and any part of the sea-shore to the low water-mark, which does not immediately before the passing of this Act form part of a parish shall be annexed to and incorporated with—

Accretions from the sea, etc.

(a) in England, the parish or parishes which the accretion or part of the sea-shore adjoins, and

(b) in Wales, the community or communities which the accretion or part of the sea-shore adjoins,

in proportion to the extent of the common boundary.

(2) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a parish or community under this section shall be annexed to and incorporated with the district and county in which that parish or community is situated.

(3) In England, in so far as the whole or part of any such accretion from the sea or part of the sea-shore as is mentioned in subsection (1) above does not adjoin a parish, it shall be annexed to and incorporated with the district which it adjoins or, if it adjoins more than one district, with those districts in proportion to the extent of the common boundary; and every such accretion or part of the sea-shore which is annexed to and incorporated with a district under this section shall be annexed to and incorporated with the county in which that district is situated.

73.—(1) Where, in the exercise of any power conferred by the Land Drainage Act 1930 or any other enactment, a water-course forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Secretary of State.

Alteration of local boundaries consequent on alteration of water-course. 1930 c. 44.

(2) If after consultation with the English Commission or the Welsh Commission, as the case may require, the Secretary of State is satisfied that, having regard to the alteration specified in the notice, a new boundary line may conveniently be adopted, he may by order declare that such line as may be specified in

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(3) The Secretary of State shall, in such manner as he thinks appropriate, publish notice of any order made by him under this section.

Change of
name of
county,
district or
London
borough.

74.—(1) Subject to subsection (5) below, the council of a county, district or London borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the county, district or borough.

(2) Where the name of a district which has been granted the status of a city, borough or royal borough or the name of a London borough is changed in pursuance of this section, the charter or other grant or incorporation order shall have effect as if the new name were substituted for the old.

(3) Notice of any change of name made under this section—

(a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and

(b) shall be published in such manner as the Secretary of State may direct.

(4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, district or London borough or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

(5) The name of a county or district shall not be changed under this section before 1st April 1978 unless the change is made with the consent of the Secretary of State.

Change of
name of
parish.

75.—(1) At the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.

(2) Notice of any change of name made under this section—

(a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and

(b) shall be published by the district council in the parish and elsewhere in such manner as they consider appropriate.

(3) A change of name made in pursuance of this section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

PART IV

76.—(1) At the request of the community council or, where there is no community council, at the request of a community meeting, the council of the district in which the community is situated may change the name of the community. Change of name of community.

(2) Notice of any change of name made under this section—

- (a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
- (b) shall be published by the district council in the community and elsewhere in such manner as they consider appropriate.

(3) A change of name made in pursuance of this section shall not affect any rights or obligations of any community or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

77.—(1) Notwithstanding anything in Schedule 2 to this Act the Greater London Council may with the consent of the Secretary of State change the name of the Council or Greater London, or both, or make provision as to the titles by which the chairman, vice-chairman and any deputy chairman of the council are to be known. Change of name in Greater London.

(2) Any change of name under this section shall take effect as from such date as the Secretary of State may by order appoint.

(3) A change of name under this section shall not—

- (a) affect any rights or obligations of any authority or person;
- (b) be taken as invalidating any instrument (whether made before or after the date appointed by the order) which refers to the Council or Greater London by the previous name;

but the new name shall be substituted for the previous name in all enactments relating to the Council or, as the case may be, Greater London and in all instruments and legal proceedings made or begun before that date which refer to that previous name, but not so as to affect the title of any Act or instrument.

PART IV
Supplementary.

78.—(1) In this Part of this Act—

“electoral arrangements” means—

(a) in relation to a principal area, the number of councillors of the council for that area, the number and boundaries of the electoral areas into which that area is for the time being divided for the purpose of the election of councillors, the number of councillors to be elected for any electoral area in that principal area and the name of any electoral area ;

(b) in relation to a parish or community council or a common parish or community council, the number of councillors, the question whether the parish or community or any parish or community, as the case may be, should or should not be or continue to be divided into wards for the purpose of the election of councillors, the number and boundaries of any such wards, the number of councillors to be elected for any such ward or in the case of a common parish or community council for each parish or community and the name of any such ward ;

“local government area” includes the City, the Inner Temple and the Middle Temple ;

1964 c. 26.

“public body” includes any compensation authority for the purposes of the Licensing Act 1964.

“substantive change” has the meaning assigned to it by section 47(1)(i) above.

(2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State, each of the Commissions and every district council shall so far as is reasonably practicable comply with the rules set out in Schedule 11 to this Act.

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Qualifications and disqualifications

Qualifications
for election
and holding
office as
member of
local
authority.

79.—(1) A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is a British subject or a citizen of the Republic of Ireland and on the relevant day he has attained the age of twenty-one years and—

(a) on that day he is and thereafter he continues to be a local government elector for the area of the authority ; or

- (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area ; or
- (c) his principal or only place of work during that twelve months has been in that area ; or
- (d) he has during the whole of those twelve months resided in that area ; or
- (e) in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.

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(2) In this section "relevant day", in relation to any candidate, means—

- (a) except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election ; and
- (b) in the said excepted case, the day of election.

80.—(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he—

- (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint board or joint committee on which the authority are represented or by any person holding any such office or employment ; or
- (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors ; or
- (c) has within five years before the day of election or since his election been surcharged by a district auditor to an amount exceeding £500 under Part X of the 1933 Act ; or
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine ; or
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1949 or under Part VIII below.

Disqualifications for election and holding office as member of local authority.

1949 c. 68.

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(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority ; or
- (b) a joint board or joint committee on which the authority are represented and any member of which is so appointed ;

shall be disqualified for being elected or being a member of that other local authority.

(3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.

1962 c. 46.

(4) A person who is for the time being a member, officer or servant of, or an officer or servant of a subsidiary (within the meaning of the Transport Act 1962) of, the Passenger Transport Executive for an area which is coterminous with the area of a county shall be disqualified for being elected or being a member of the council of that county.

(5) For the purposes of subsection (1)(c) and (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the surcharge or conviction, as the case may be.

Exceptions to provisions of section 80.

81.—(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, then—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment ;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge ; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and

in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

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(3) Nothing in section 80(1)(a), (2) or (3) above shall operate to disqualify any person for being elected or being—

(a) the chairman, vice-chairman, deputy chairman or an alderman of the Greater London Council ;

(b) a councillor of the Greater London Council for an electoral area in an outer London borough ;

(c) a member of the council of an inner London borough ;
by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by the Inner London Education Authority.

(4) Section 80(2) and (3) above shall not operate so as to disqualify—

(a) any person by reason of his being a teacher, or otherwise employed, in a school, college or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council ; or

(b) any person by reason of his being a teacher, or otherwise employed, in a school, college or other educational institution maintained or assisted by a metropolitan district council for being a member of the county council by reason that the county council nominates members of the education committee of the district council.

82. The acts and proceedings of any person elected to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified. Validity of acts done by unqualified persons.

Acceptance, resignation and vacation of office, and casual vacancies

83.—(1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, alderman or councillor of the council of a county, district or London borough or the Greater London Council or deputy chairman of the Greater London Council shall not, unless he has made a declaration of acceptance of office in a form prescribed by rules under section 42 above, and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration. Declaration of acceptance of office.

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(2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either—

- (a) two members of the council to which the declarant is elected ; or
- (b) the proper officer of the council ; or
- (c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man ; or
- (d) a commissioner appointed to administer oaths in the Supreme Court.

(4) A person elected to the office of chairman of a parish or community council or parish or community councillor shall—

- (a) in the case of the chairman, at the meeting at which he is elected ;
- (b) in the case of a councillor, before or at the first meeting of the parish or community council after his election ; or
- (c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council ;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office in a form prescribed by rules under section 42 above, and if he fails to do so his office shall thereupon become vacant.

(5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

Resignation.

84. A person elected to any office under this Act may at any time resign his office by written notice delivered—

- (a) except in a case falling within paragraph (b), (c) or (d) below, to the proper officer of the council ;
- (b) in the case of a person elected to a corporate office in a London borough, to the proper officer of the borough ;
- (c) in the case of a parish or community councillor, to the chairman of the parish or community council ;
- (d) in the case of a chairman of a parish or community council or of a parish meeting, to the council or the meeting, as the case may be ;

and his resignation shall take effect upon the receipt of the notice by the person or body to whom it is required to be delivered.

85.—(1) Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority. PART V
Vacation of office by failure to attend meetings.

(2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.

(3) A member of any branch of Her Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority if the failure is due to that employment.

86. Where a member of a local authority—

- (a) ceases to be qualified to be a member of the authority ;
- or
- (b) becomes disqualified for being a member of the authority otherwise than by virtue of an order under Part VIII below, a surcharge, a conviction or a breach of any provision of Part II of the Representation of the People Act 1949 ; or
- (c) ceases to be a member of the authority by reason of failure to attend meetings of the authority ;

the authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant. Declaration by local authority of vacancy in office in certain cases. 1949 c. 68.

87.—(1) For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy is to be deemed to have occurred shall be— Date of casual vacancies.

- (a) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, on the expiration of the period appointed under this Part of this Act for the delivery of the declaration ;

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- (b) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered ;
- (c) in the case of death, on the date of death ;
- (d) in the case of a disqualification by virtue of an order under Part VIII below or a surcharge or conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the order, surcharge or conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof ;
- (e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court ;
- (f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to (e) above, or ceasing to be a member of a local authority by reason of failure to attend meetings, on the date on which his office is declared to have been vacated either by the High Court or by the local authority, as the case may be ; and
- (g) in the case of a councillor accepting the office of alderman or of an alderman accepting the office of councillor, on the date on which he accepts that office.

(2) Public notice of a casual vacancy in any such office as is referred to in subsection (1) above shall be given by the local authority in which the office exists ; and the steps required to be taken to give public notice in accordance with section 232 below shall be taken—

- (a) in a case where the local authority declare the office to be vacant, immediately after the declaration ; and
- (b) in any other case, as soon as practicable after the date on which, by virtue of subsection (1) above, the vacancy is deemed to have occurred.

Filling of casual vacancy in case of chairman, etc.

88.—(1) On a casual vacancy occurring in the office of chairman of any council or of any alderman, an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.

(2) Where the office vacant is that of chairman of the council, a meeting of the council for the election may be convened by the proper officer of the authority.

(3) In a parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall be convened for the purpose of filling the vacancy forthwith.

89.—(1) Subject to the provisions of this section, on a casual vacancy occurring in the office of councillor for any principal area, an election to fill the vacancy shall be held—

Filling of casual vacancies in case of councillors.

(a) in a case in which the High Court or the council have declared the office to be vacant, within forty-two days (computed in accordance with section 243(4) below) from the date of the declaration ;

(b) in any other case, within forty-two days (so computed) after notice in writing of the vacancy has been given to the proper officer of the authority by two local government electors for the area.

(2) The day of election to fill a casual vacancy in any office mentioned in subsection (1) above shall be fixed by the returning officer or, in the case of an election of a councillor of the Greater London Council, the proper officer of that Council.

(3) Where a casual vacancy in any such office occurs within six months before the day on which the councillor whose office is vacant would regularly have retired, an election shall not be held under subsection (1) above unless on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members ; and where an election under subsection (1) above is not held, the vacancy shall be filled at the next ordinary election.

(4) Where more than one casual vacancy in the office of councillor of a district in which councillors are elected by thirds is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired and so with respect to the others ; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.

(5) Where an election to fill one or more casual vacancies in the office of councillor of any such district is combined with an

PART V ordinary election of councillors, the following provisions shall apply—

(a) where an election is contested—

(i) the persons who are elected by the smallest numbers of votes, or if any relevant votes are equal such persons as are determined by lot, shall be deemed elected to fill the casual vacancies ;

(ii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes or, if the relevant votes are equal, such person as is determined by lot, shall hold office for the shorter period, and so with respect to the others ;

(b) where the election is not contested—

(i) those declared elected (if fewer than the vacancies to be filled) shall be deemed elected to fill the vacancies in which they will hold office for the longest periods ;

(ii) where there are two or more persons declared elected and they are to fill vacancies in which they will hold office for different periods, any retiring councillors elected shall be deemed elected to fill the vacancies in which they will hold office for the longest period, and the question which of the persons declared elected who are not retiring councillors is to be deemed elected to fill any of the vacancies not filled by retiring councillors shall be determined by lot.

(6) A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under section 42 above.

(7) Where under this section any question is required to be determined by lot—

(a) in the case of a contested election, the lot shall be drawn by the returning officer immediately after the question has arisen ; and

(b) in any other case, the lot shall be drawn at the next meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

Term of office
of persons
filling
casual
vacancies.

90. A person elected or appointed under the foregoing provisions of this Act in England or Wales to fill any casual vacancy, or elected under the 1933 Act in England to fill a casual vacancy in the office of chairman of a parish council or parish meeting or of parish councillor, shall hold office until the date upon which the person in whose place he is elected would regularly have retired, and he shall then retire.

91.—(1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

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Temporary
appointment
of members of
parish and
community
councils.

(2) In the case of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts, the reference in subsection (1) above to the district council shall be construed as a reference to the council of the district in which there is the greater number of local government electors for the parishes in the group.

(3) Two copies of every order made under this section shall be sent to the Secretary of State.

Proceedings for disqualification

92.—(1) Proceedings against any person on the ground that he acted or claims to be entitled to act as a member of a local authority while disqualified for so acting within the meaning of this section may be instituted by, and only by, any local government elector for the area concerned—

Proceedings
for disquali-
fication.

(a) in the High Court or a magistrates' court if that person so acted ;

(b) in the High Court if that person claims to be entitled so to act ;

but proceedings under paragraph (a) above shall not be instituted against any person after the expiration of more than six months from the date on which he so acted.

(2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority while disqualified for so acting, then—

(a) if the proceedings are in the High Court, the High Court may—

(i) make a declaration to that effect and declare that the office in which the defendant has acted is vacant ;

(ii) grant an injunction restraining the defendant from so acting ;

(iii) order that the defendant shall forfeit to Her Majesty such sum as the court think fit, not exceeding £50 for each occasion on which he so acted while disqualified ;

(b) if the proceedings are in a magistrates' court, the magistrates' court may, subject to the provisions of this section, convict the defendant and impose on him a fine not exceeding £50 for each occasion on which he so acted while disqualified.

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(3) Where proceedings under this section are instituted in a magistrates' court, then—

- (a) if the court is satisfied that the matter would be more properly dealt with in the High Court, it shall by order discontinue the proceedings ;
- (b) if the High Court, on application made to it by the defendant within fourteen days after service of the summons, is satisfied that the matter would be more properly dealt with in the High Court, it may make an order, which shall not be subject to any appeal, requiring the magistrates' court by order to discontinue the proceedings.

(4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority and is disqualified for so acting, the court may make a declaration to that effect and declare that the office in which the defendant claims to be entitled to act is vacant and grant an injunction restraining him from so acting.

(5) No proceedings shall be instituted against a person otherwise than under this section on the ground that he has, while disqualified for acting as a member of a local authority, so acted or claimed to be entitled so to act.

(6) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority—

- (a) if he is not qualified to be, or is disqualified for being, a member of the authority ; or
- (b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, or by reason of resignation or failure to attend meetings of the local authority, he has ceased to be a member of the authority.

Restrictions on voting

Limitation
on voting
by Greater
London
Councillors.

93. Except in the exercise of a casting vote when presiding over a meeting of the Greater London Council or a committee thereof—

- (a) a councillor of the Greater London Council elected for an electoral area which includes the City and the Temples shall not vote at any such meeting on any matter involving only expenditure on account of which no part of the City, the Temples or the City of Westminster is for the time being liable to be charged ; and
- (b) a councillor of the Greater London Council elected for any other electoral area shall not vote at any such meeting on any matter involving only expenditure on

account of which the London borough in which that electoral area is situated is not for the time being liable to be charged.

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94.—(1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

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

(2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding £200 unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.

(3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(5) The following, that is to say—

- (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance ;
- (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below or his right to receive, or the possibility of his receiving, any such payment ;

shall not be treated as a pecuniary interest for the purposes of this section.

95.—(1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—

Pecuniary interests for purposes of section 94.

- (a) he or any nominee of his is a member of a company or other body with which the contract was made or

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is proposed to be made or which has a direct pecuniary interest in the other matter under consideration ; or

(b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

General notices and recording of disclosures for purposes of section 94.

96.—(1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.

(2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

Removal or Exclusion of disability, etc.

97.—(1) The district council, as respects a member of a parish or community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the district council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the district council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

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(2) The power of a district council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.

(3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.

(4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

98.—(1) In sections 95 and 97 above “securities” and “shares” have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958.

Interpretation
of sections
95 and 97.
1958 c. 45

PART V

(2) In section 95 above "public body" includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the 1907 c. cxxxvi. National Trust Act 1907.

Meetings and proceedings

Meetings and proceedings of local authorities.

99. The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities and their committees, parish meetings and their committees and community meetings.

Admission of public and press to local authority committee meetings.
1960 c. 67.

100.—(1) For the purpose of securing the admission, so far as practicable, of the public (including the press) to all meetings of committees of local authorities as well as to meetings of local authorities themselves, the Public Bodies (Admission to Meetings) Act 1960 (in this section referred to as "the 1960 Act") shall have effect subject to the following provisions of this section.

(2) Without prejudice to section 2(1) of the 1960 Act (application of section 1 of that Act to any committee of a body whose membership consists of or includes all members of that body) section 1 of the 1960 Act shall apply to any committee constituted under an enactment specified in paragraphs (c) to (h) of section 101(9) below and to any committee appointed by one or more local authorities under section 102 below, not being a committee falling within section 2(1) of the 1960 Act.

(3) Where section 1 of the 1960 Act applies to a committee by virtue of subsection (2) above, then, for the purposes of subsection (4)(c) of that section, premises belonging to the local authority or one or more of the local authorities which appointed the committee shall be treated as belonging to the committee.

PART VI

DISCHARGE OF FUNCTIONS

Arrangements for discharge of functions by local authorities.

101.—(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

- (a) by a committee, a sub-committee or an officer of the authority ; or
- (b) by any other local authority.

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange

for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.

(4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—

(a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities ; and

(b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.

(6) A local authority's functions with respect to levying, or issuing a precept for, a rate or borrowing money shall be discharged only by the authority.

(7) A local authority shall not make arrangements under this section for the discharge of any of their functions under the Diseases of Animals Act 1950 by any other local authority.

1950 c. 36.

(8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—

(a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees

PART VI

of local authorities for any purpose or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or

- (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions, or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;

shall, to the extent that it makes any such provision, cease to have effect.

(9) The following enactments, that is to say—

- 1944 c. 31. (a) paragraphs 1 and 3 to 11 of Part II of Schedule 1 to the Education Act 1944 (education committees of local education authorities);
- (b) section 30(2) of the 1963 Act (special education committee of the Greater London Council);
- 1964 c. 48. (c) sections 2 and 3 of the Police Act 1964 (police committees);
- 1966 c. 38. (d) section 1 of the Sea Fisheries Regulation Act 1966;
- 1969 c. 54. (e) section 35(3) of the Children and Young Persons Act 1969 (children's regional planning committees);
- 1970 c. 42. (f) section 2 of the Local Authority Social Services Act 1970 (social services committees);
- 1972 c. 11. (g) section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service, etc.); and
- (h) Part I of Schedule 17 to this Act;

are exempted from subsection (8) above.

(10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which by any enactment mentioned in subsection (9) above are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.

(11) It is hereby declared that this section authorises the Greater London Council to arrange for the discharge of any of their functions by the Inner London Education Authority or any education committee established by that Authority under Part II of Schedule 1 to the Education Act 1944.

PART VI

1944 c. 31.

(12) References in this section and section 102 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(13) In this Part of this Act "local authority" includes the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, a joint board on which a local authority within the meaning of this Act or any of the foregoing authorities are represented and, without prejudice to the foregoing, any port health authority.

(14) Nothing in this section affects the operation of section 5 of the 1963 Act or the Local Authorities (Goods and Services) Act 1970.

102.—(1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above—

Appointment of committees.

- (a) a local authority may appoint a committee of the authority ; or
- (b) two or more local authorities may appoint a joint committee of those authorities ; or
- (c) any such committee may appoint one or more sub-committees.

(2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee.

(3) A committee appointed under subsection (1) above, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 below, include persons who are not members of the appointing authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, but at least two-thirds of the members appointed to any such committee (other than a sub-committee) shall be members of that authority or those authorities, as the case may be.

(4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to

PART VI advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—

(a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities ; and

(b) may appoint one or more sub-committees to advise the committee with respect to any such matter.

(5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall upon ceasing to be a member of that authority also cease to be a member of the committee ; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

Expenses of joint committees.

103. The expenses incurred by a joint committee of two or more local authorities whether appointed or established under this Part of this Act or any other enactment shall be defrayed by those authorities in such proportions as they may agree or in case of disagreement as may be determined—

(a) in any case in which those authorities are the councils of parishes or communities or groups of parishes or communities situated in the same district, by the district council ; and

(b) in any other case, by a single arbitrator agreed on by the appointing authorities or, in default of agreement, appointed by the Secretary of State.

Disqualification for membership of committees and joint committees.

104.—(1) Subject to subsection (2) below, a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment.

(2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by a local education authority be disqualified for being a member of any committee of any local authority—

(a) appointed for the purposes of the enactments relating to education ; or

(b) appointed for purposes connected with the execution of the Public Libraries and Museums Act 1964 ;

PART VI
1964 c. 75.

or for being a representative of a local authority on a joint committee of the authority and another authority which has been appointed or established for any such purpose.

(3) Section 92 above shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee of a local authority or a joint committee of two or more local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.

(4) In the application of this section to the Common Council for the reference to Part V of this Act there shall be substituted a reference to the enactments for the time being in force relating to disqualification for membership of the Common Council.

105. Sections 94 to 98 above shall apply as respects members of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), whether the committee or joint committee are appointed or established under this Part of this Act or under any other enactment, as they apply in respect of members of local authorities, subject to the following modifications—

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

(a) references to meetings of any such committee shall be substituted for references to meetings of the local authority ; and

(b) in the case of members of a committee of a local authority or any sub-committee the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book kept under section 96(2) above shall be limited to an inspection of the entries in the book relating to the members of the committee or sub-committee.

106. Standing orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

Standing
orders.

107.—(1) Subject to the following provisions of this section—

(a) sections 101 to 103 and 106 above shall apply to a police authority other than the Secretary of State as they apply to a local authority ;

Application
of foregoing
provisions
to police
authorities.

PART VI

(b) sections 104 and 105 above shall apply both to a police authority and a committee of any such authority or authorities as they apply to a committee of a local authority or authorities ;

and in their application to the Common Council as police authority those sections shall have effect subject to those provisions.

(2) A police authority may not arrange for the discharge of their functions by another police authority, and section 101(1)(b) and (3) above shall not apply to a police authority.

(3) The officers who may discharge the functions of a police authority in pursuance of arrangements under section 101(1), (2) or (5) above shall include the chief officer of police, his deputy while performing his duties and any civilian officer employed for the purposes of the police authority or one of the police authorities.

(4) A police authority may not arrange under section 101 above for the discharge of their functions by a committee or officer as respects part only of their area.

(5) Section 101(10) above shall not apply to a police authority.

(6) Any committee appointed under section 102 above for discharging the functions of one or more police authorities (including any sub-committee) shall consist only of members of the appointing authority or authorities and section 102(3) above shall not apply to committees of police authorities.

(7) Section 103 above, in its application to a joint committee of police authorities, shall have effect as if for paragraphs (a) and (b) there were substituted the words " by the Secretary of State "

(8) A person shall not be disqualified by virtue of section 104 above for being a member of a police authority or the committee (or any sub-committee) of any such authority or authorities by virtue of his holding any office or employment, except employment for the purposes of the police authority or one of the police authorities.

(9) Section 106 above shall not authorise any county council to make standing orders with respect to the quorum, proceedings or place of meeting of a police authority.

(10) For the purposes of this section the following persons shall be treated as employed for the purposes of a police authority, that is to say—

1964 c. 68.

(a) any person employed under section 10 of the Police Act 1964 for police purposes of the police authority's area ; and also

(b) in the case of a combined police authority, any person whose services are made available for the use of that authority in pursuance of section 4(5) of that Act.

108. In a parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order and subject to such conditions as the meeting may impose, arrange for the discharge of any of their functions by a committee of local government electors for the parish, but any such arrangement shall not prevent the meeting from exercising those functions.

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Committees
of parish
meetings.

109.—(1) On the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.

Conferring
functions
of parish
council on
parish
meeting.

(2) Two copies of every order made under this section shall be sent by the district council to the Secretary of State.

110.—(1) Where it appears to a district council that the county council should be required to make arrangements for the discharge by the former of any of the latter's functions as respects a period beginning with 1st April 1974, but the latter are unwilling to enter into the arrangements or the two councils are unable to agree on the terms of the arrangements, the district council may apply to the appropriate Minister for a direction under subsection (3) below.

Transitional
arrangements
for discharge
of functions.

(2) Where it appears to a county council that a district council should be required to make arrangements for the discharge by the former of any of the latter's functions as respects a period beginning with 1st April 1974, but the latter are unwilling to enter into the arrangements or the two councils are unable to agree on the terms of the arrangements, the county council may apply to the appropriate Minister for a direction under subsection (3) below.

(3) On an application under subsection (1) or (2) above the appropriate Minister—

(a) may, if he considers it desirable for the efficient discharge of the relevant functions, or of other functions of either or both of the councils concerned, direct the county council and the district council concerned to enter into any arrangements for the discharge by one of them of specified functions of the other; and

(b) whether or not he gives a direction under paragraph (a) above, may direct that any such arrangements shall contain terms on lines laid down by him.

(4) A direction under subsection (3) above shall not be given after 31st March 1974 and shall, subject to subsection (5) below, remain in force for a period specified in the direction ending before 1st April 1979, but the expiry of any such direction shall not of itself end the arrangements to which it relates.

PART VI

(5) While a direction under subsection (3) above is in force, the parties to the arrangements to which it relates may by agreement vary or end the arrangements or in default of agreement either of them may apply to the appropriate Minister for a direction to vary or end the arrangements, and the appropriate Minister may, if he considers it desirable for the efficient discharge of the relevant functions, or of other functions of either or both of the councils concerned, direct the parties to vary the arrangements on lines laid down by him or to end the arrangements.

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Subsidiary powers

Subsidiary
powers
of local
authorities.

111.—(1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

(2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.

(3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.

(4) In this section “local authority” includes the Common Council.

Staff

Appointment
of staff.

112.—(1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority’s functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.

(2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.

(3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect. PART VII

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

(4) Subsection (3) above does not apply to the following officers, that is to say—

(a) district surveyors and deputy district surveyors of the Greater London Council appointed under section 75 or 80 of the London Building Acts (Amendment) Act 1939 c. xcvi.

(b) chief education officers appointed under section 88 of the Education Act 1944 ; 1944 c. 31.

(c) chief officers and other members of fire brigades maintained under the Fire Services Act 1947 ; 1947 c. 41.

(d) inspectors of weights and measures appointed under section 41 of the Weights and Measures Act 1963 ; 1963 c. 31.

(e) the chief education officer of the Inner London Education Authority appointed by virtue of section 30(4) of the 1963 Act ;

(f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the Agriculture Act 1970 c. 40. 1970 ; and

(g) directors of social services appointed under section 6 of the Local Authority Social Services Act 1970 ; 1970 c. 42.

and it is hereby declared that subsection (3) above does not apply to public analysts appointed under section 89 of the Food and Drugs Act 1955 or to any other person appointed by a local authority to perform a specified function. 1955 c. 16
(4 & 5 Eliz. II).

(5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.

(6) Nothing in this section affects the operation of section 5 of the 1963 Act or the Local Authorities (Goods and Services) Act 1970 c. 39. Act 1970.

PART VII
Placing of
staff of local
authorities at
disposal of
other local
authorities.

113.—(1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.

(2) For superannuation purposes service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.

Security to
be taken in
relation to
officers.

114.—(1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, take such security, for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.

(2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.

(3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

Accountability
of officers.

115.—(1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office or within three months after ceasing to hold it, and in such manner as the local authority direct, make out and deliver to the authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every such officer shall pay all money due from him to the proper officer of the local authority or in accordance with their directions.

116. A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office other than to the office of chairman or vice-chairman and in the case of the Greater London Council the office of deputy chairman.

PART VII
Members of local authorities not to be appointed as officers.

117.—(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

Disclosure by officers of interest in contracts.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

(2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding £200.

(4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

118.—(1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as "the patient") is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1959, of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—

Payment of salary, etc., due to mentally disordered person.

1959 c. 72.

- (a) to or for the benefit of persons who appear to the authority to be members of the patient's family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or

PART VII

(b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower or a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression "pensioner" includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.

(3) A local authority shall not in exercise of the powers conferred by subsection (1) above apply in any year in respect of any one person more than £500, or such other sum as may be prescribed.

(4) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under Part VIII of the said Act of 1959 notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.

(5) If at any time the authority having jurisdiction as aforesaid give to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.

(6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section.

119.—(1) If, on the death of any person who is or has been an officer of a local authority, there is due to him or his legal personal representatives from a local authority a sum not exceeding £500 and not being a pension, allowance or gratuity payable by virtue of section 7 of the Superannuation Act 1972, the authority may, without requiring the production of probate or letters of administration of the estate of the officer, pay the whole or any part of that sum to the officer's personal representatives or to the person, or to or among any one or more of any persons, appearing to the authority to be beneficially entitled to the estate of the officer, and any person to whom such a payment is made, and not the authority, shall be liable to account for the sum paid to him under this subsection.

PART VII

Payments due to deceased officers.

1972 c. 11.

(2) The authority may, if they think fit, pay out of the said sum the funeral expenses of the officer or so much thereof as they consider reasonable having regard to any death grant which has been or is to be paid under section 39 of the National Insurance Act 1965.

1965 c. 51.

(3) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965, substituting for references to £500 references to such higher amount as may be specified in the order.

1965 c. 32.

(4) Where provision has been made by regulations under section 7(1)(b) of the said Act of 1972 with respect to the pensions, allowances or gratuities which in certain circumstances are to be, or may be, paid to or in respect of any persons or classes of persons, the Secretary of State may by regulations provide for the application of the foregoing provisions of this section to such of those persons or classes of persons as may be specified in the regulations.

Land transactions—principal councils

120.—(1) For the purposes of—

(a) any of their functions under this or any other enactment, or

(b) the benefit, improvement or development of their area,

Acquisition of land by agreement by principal councils.

a principal council may acquire by agreement any land, whether situated inside or outside their area.

(2) A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the council's functions.

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1965 c. 56.

(3) Where under this section a council are authorised to acquire land by agreement, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word "land" shall have the meaning assigned to it by this Act.

(4) Where two or more councils acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those councils from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.

(5) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

Acquisition
of land
compulsorily
by principal
councils.

121.—(1) Subject to subsection (2) below, for any purpose for which they are authorised by this or any other public general Act to acquire land, a principal council may be authorised by the Minister concerned with that purpose to purchase compulsorily any land, whether situated inside or outside their area.

(2) A council may not be authorised under subsection (1) above to purchase land compulsorily—

1963 c. 29.

(a) for the purpose specified in section 120(1)(b) above, or

(b) for the purpose of any of their functions under the Local Authorities (Land) Act 1963, or

(c) for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.

(3) Where one or more councils propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one council, between those councils, and—

(a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes ; and

(b) where there is more than one council concerned, the councils may nominate one of them to acquire the land on behalf of them all and the council so nominated

shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition. PART VII

(4) The Acquisition of Land (Authorisation Procedure) Act 1946 c. 49. 1946 shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above as if that subsection were contained in an Act in force immediately before the commencement of that Act.

122.—(1) Subject to the following provisions of this section, a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned. Appropriation of land by principal councils.

(2) A principal council may not appropriate under subsection (1) above any land which they may be authorised to appropriate under section 121 of the Town and Country Planning Act 1971 1971 c. 78. (land forming part of a common, etc.) unless—

- (a) the total of the land appropriated in any particular common, open space or fuel or field garden allotment (giving those expressions the same meanings as in the said section 121) does not in the aggregate exceed 250 square yards, and
- (b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

and where, by virtue of this subsection, any public trust land is appropriated under subsection (1) above, the land shall, by virtue of the appropriation, be freed from any trust arising solely by reason of its being public trust land.

(3) Except with the consent of the Minister concerned with the function for which the land is held immediately before the date of the proposed appropriation, a council may not exercise their power of appropriation under subsection (1) above with respect to any land which was acquired not more than ten years before that date in the exercise (directly or indirectly) of compulsory powers by a local authority (including, in respect of an acquisition before 1st April 1974, any existing local authority)

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and which has not subsequently been appropriated by that or any other local authority for any purpose other than that for which it was acquired.

1845 c. 18.
1965 c. 56.

(4) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section, any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired.

(5) For the purposes of subsection (3) above, land shall be taken to have been acquired by an authority in the exercise (directly or indirectly) of compulsory powers if it was acquired by them—

(a) compulsorily, or

(b) by agreement at a time when they were authorised by or under an enactment to acquire the land compulsorily,

and it was not acquired in consequence of the service in pursuance of any enactment of a notice requiring the authority to purchase the land.

1906 c. 25.

(6) In this section “public trust land” means land held as public walks or pleasure grounds or in accordance with section 10 of the Open Spaces Act 1906 (public open spaces).

Disposal of
land by
principal
councils.

123.—(1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.

(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

(3) A principal council shall not under this section dispose of public trust land unless—

(a) the total of the land disposed of in any particular public walk, pleasure ground or other open space does not in the aggregate exceed 250 square yards, and

(b) before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and

consider any objections to the proposed disposal which may be made to them,

but where any such land is so disposed of the land shall, by virtue of the disposal, be freed from any trust arising solely by reason of its being public trust land.

(4) A principal council shall not under this section dispose of, otherwise than by way of a short tenancy, any such land as is specified in subsection (5) below, except with the consent of the Minister concerned with the function for which the land is held immediately before the disposal.

(5) Subsection (4) above applies to any land which is not public trust land but which—

(a) consists or forms part of an open space within the meaning of the Town and Country Planning Act 1971 ; 1971 c. 78.
or

(b) was acquired not more than ten years before the date of the proposed disposal in the exercise (directly or indirectly) of compulsory powers by a local authority (including, in respect of an acquisition before 1st April 1974, any existing local authority) and has not subsequently been appropriated by that or any other local authority for any purpose other than that for which it was acquired ;

and subsection (5) of section 122 above shall apply for the purposes of paragraph (b) above as it applies for the purposes of subsection (3) of that section.

(6) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under the Charities Act 1960 c. 58. 1960.

(7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—

(a) of the grant of a term not exceeding seven years, or

(b) of the assignment of a term which at the date of the assignment has not more than seven years to run,

and in this section “ public trust land ” has the meaning assigned to it by section 122(6) above.

Land transactions—parish and community councils

124.—(1) For the purposes of—

(a) any of their functions under this or any other public general Act, or

(b) the benefit, improvement or development of their area,

a parish or community council may acquire by agreement any land, whether situated inside or outside their area.

Acquisition
of land by
agreement by
parish and
community
councils.

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1965 c. 56.

(2) Where under this section a parish or community council are authorised to acquire land by agreement, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than section 31 shall apply, and in the said Part I as so applied the word "land" shall have the meaning assigned to it by this Act.

(3) References in the foregoing provisions of this section to acquisition by agreement are references to acquisition for money or money's worth, as purchaser or lessee.

Compulsory
acquisition
of land on
behalf of
parish or
community
councils.

125.—(1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for any purpose for which they are authorised to acquire land other than—

(a) the purpose specified in section 124(1)(b) above, or

(b) any purpose in relation to which the power of acquisition is by any enactment expressly limited to acquisition by agreement,

they may represent the case to the council of the district in which the parish or community is situated, and if on any such representation the district council are satisfied that suitable land for that purpose cannot be acquired on reasonable terms by agreement and that the circumstances are such as to justify the district council in proceeding under this section, the district council shall cause a local inquiry to be held in the parish or community by such one or more members, or such officer, of the district council as the council may appoint for the purpose.

(2) The district council shall publish in the parish or community in the prescribed manner a notice of the proposed inquiry, and shall serve on the owners, lessees and occupiers (except tenants for a month or any period less than a month) of the land proposed to be acquired notice of the proposed inquiry in the prescribed form.

(3) After the inquiry has been completed and all objections made by persons interested have been considered the district council may be authorised by the Secretary of State to purchase compulsorily the land or any part thereof.

1946 c. 49.

(4) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to the compulsory purchase of land in pursuance of subsection (3) above as if that subsection were contained in an Act in force immediately before the commencement of that Act, but subject to the following modifications relating to the compulsory purchase order authorising the purchase:—

(a) if no objection is duly made by any of the owners, lessees and occupiers of the land in question (except tenants for a month or any period less than a month),

or if all objections so made are withdrawn, the Secretary of State shall confirm the order with or without modification if he is satisfied that the proper notices have been published and served ;

(b) the order shall be carried into effect by the district council, but the land, when acquired, shall be conveyed to the parish or community council, and accordingly in construing, for the purposes of this section and of the order, any enactment applying in relation to the compulsory acquisition, the parish or community council in whom the land is to be vested, or the district council by whom the land is to be acquired, or the two councils jointly, shall, as the case may require, be treated as the authority authorised by the order under the said Act of 1946 to purchase the land ; and

(c) it shall not be necessary for the district council to publish any notice stating that the order has been made and the purpose for which the land is required.

(5) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by any owner and to the convenience of other property belonging to the same owner and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

(6) The person holding an inquiry under this section on behalf of a district council shall have the same powers as a person appointed by the Secretary of State under this Act to hold an inquiry.

(7) If a district council refuse to make an order for the purposes of this section the parish or community council may petition the Secretary of State, and, after holding a local inquiry, the Secretary of State may, if he thinks proper, make the order, and this section and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the order had been made by the district council and confirmed by the Secretary of State. 1946 c. 49.

(8) In the application of this section to a parish or community council for a group of parishes or communities—

(a) references to the parish or community shall be construed as references to the area of the group, and

(b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of those districts acting jointly.

PAR 1 VII
Appropriation
of land by
parish and
community
councils and
by parish
meetings.

126.—(1) Any land belonging to a parish or community council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose for which the council are authorised by this or any other public general Act to acquire land by agreement.

(2) In the case of a parish which does not have a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Secretary of State.

(3) The appropriation of land by virtue of this section by a parish or community council or by a parish meeting shall be subject to the rights of other persons in, over or in respect of the land concerned.

(4) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land which they may be authorised to appropriate under section 121 of the Town and Country Planning Act 1971 (land forming part of a common, etc.) unless—

(a) the total of the land appropriated in any particular common, open space or fuel or field garden allotment (giving those expressions the same meanings as in the said section 121) does not in the aggregate exceed 250 square yards, and

(b) before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them,

and where, by virtue of this subsection, any public trust land is appropriated under this section, the land shall, by virtue of the appropriation, be freed from any trust arising solely by reason of its being public trust land.

(5) Except with the consent of the Secretary of State, a parish or community council may not exercise their power of appropriation under subsection (1) above with respect to any land which was acquired not more than ten years before the date of the proposed appropriation in the exercise (directly or indirectly) of compulsory powers by a local authority (including, in respect of an acquisition before 1st April 1974, any existing local authority) and which has not subsequently been appropriated by that or any other local authority for any purpose other than that for which it was acquired; and subsection (5) of section

1971 c. 78.

122 above shall apply for the purposes of this subsection as it applies for the purposes of subsection (3) of that section. PART VII

(6) Where land has been acquired under this Act or any other enactment or any statutory order incorporating the Lands Clauses Acts and is subsequently appropriated under this section any work executed on the land after the appropriation has been effected shall be treated for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 as having been authorised by the enactment or statutory order under which the land was acquired. 1845 c. 18.
1965 c. 56.

(7) In this section "public trust land" has the meaning assigned to it by section 122(6) above.

127.—(1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish. Disposal of land held by parishes and communities.

(2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

(3) Subsections (3) to (5) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution—

- (a) of references to a parish or community council or the parish trustees of a parish for references to a principal council, and
- (b) of a reference to the consent of the Secretary of State for the reference in subsection (4) to the consent of a Minister.

(4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under the Charities Act 1960. 1960 c. 58.

(5) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—

- (a) of the grant of a term not exceeding seven years, or
- (b) of the assignment of a term which at the date of the assignment has not more than seven years to run.

PART VII
 Consents to
 land
 transactions
 by local
 authorities
 and protection
 of purchasers.

Land transactions—general provisions

128.—(1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—

- (a) in relation to any particular transaction or transactions or in relation to a particular class of transactions ; and
- (b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities ; and
- (c) either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).

(2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—

- (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
- (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.

1959 c. 53. (3) Notwithstanding that principal councils are authorities to whom Part II of the Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.

(4) In this section “ local authority ” includes a parish meeting and the parish trustees of a parish.

129.—(1) With the consent of the Secretary of State, any purchase money or compensation payable in pursuance of the foregoing provisions of this Part of this Act by a local authority in respect of any land acquired from another local authority, being money or compensation which would, apart from this section, be required to be paid into court in accordance with the Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.

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Payment of purchase or compensation money by one local authority to another.
1965 c. 56.

(2) A decision of the Secretary of State under this section shall be final.

130. The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to Her Majesty in right of that Duchy which the local authority think fit to purchase, and the land may be granted to the local authority and the proceeds of sale shall be paid and dealt with as if the land had been sold under the authority of the Duchy of Lancaster Lands Act 1855.

Acquisition by local authorities of lands belonging to the Duchy of Lancaster.
1855 c. 58

131.—(1) Nothing in the foregoing provisions of this Part of this Act or in Part VIII below—

Savings.

- (a) shall authorise the disposal of any land by a local authority in breach of any trust, covenant or agreement which is binding upon them, excluding any trust arising solely by reason of the land being held as public walks or pleasure grounds or in accordance with section 10 of the Open Spaces Act 1906 ; or 1906 c. 25.
- (b) shall affect, or empower a local authority to act otherwise than in accordance with, any provision contained in, or in any instrument made under, any of the enactments specified in subsection (2) below and relating to any dealing in land by a local authority or the application of capital money arising from any such dealing.
- (2) The enactments referred to in subsection (1)(b) above are—
- (a) the Technical and Industrial Institutions Act 1892 ; 1892 c. 29.
 - (b) the Military Lands Acts 1892 to 1903 ;
 - (c) the Light Railways Acts 1896 and 1912 ;
 - (d) the Allotments Acts 1908 to 1950 ;
 - (e) the Small Holdings and Allotments Acts 1908 to 1931 ;
 - (f) the Ancient Monuments Acts 1913 to 1953 ;
 - (g) section 28 of the Land Settlement (Facilities) Act 1919 ; 1919 c. 59.
 - (h) the Civil Aviation Act 1949 ; 1949 c. 67.
 - (i) the Housing Acts 1957 to 1971 ;

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1970 c. 40.

(j) Part III of the Agriculture Act 1970 ; and

(k) any local Act (including an Act confirming a provisional order).

1960 c. 58.

(3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of section 29 of the Charities Act 1960 (restrictions on dealing with charity property) and, in particular, none of those provisions shall be treated as giving any such authority for a transaction as is referred to in subsection (3)(a) of that section (certain statutorily authorised transactions not to require the sanction of the Charity Commissioners).

(4) In this section "local authority" includes a parish meeting and the parish trustees of a parish.

Premises and contracts

Provision
of offices,
etc. by
principal
councils.

132. A principal council may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the authority, for use for public meetings and assemblies.

Provision of
parish and
community
buildings.

133. A parish or community council may acquire or provide and furnish buildings to be used for public meetings and assemblies or contribute towards the expenses incurred by any other parish or community council or any other person in acquiring or providing and furnishing such a building.

Use of
schoolroom,
etc. in parish
or community.

134.—(1) If in a parish there is no suitable public room vested in the parish council or the parish trustees, as the case may be, which can be used free of charge, a suitable room in premises of a school maintained by the local education authority or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—

- (a) a parish meeting or any meeting of the parish council, where there is one ; or
- (b) meetings convened by the chairman of the parish meeting or by the parish council, where there is one ; or
- (c) the administration of public funds within or for the purposes of the parish where those funds are administered by any committee or officer appointed by the parish council or parish meeting or by the county council or district council.

(2) If in a community there is no suitable public room vested in the community council which can be used free of charge or there is no community council, a suitable room in premises of a school maintained by the local education authority or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—

- (a) a community meeting or any meeting of the community council, where there is one; or
- (b) meetings convened by the community council, where there is one; or
- (c) the administration of public funds within or for the purposes of the community where those funds are administered by any committee or officer appointed by the community council, where there is one, or by the county council or district council.

(3) Nothing in this section shall authorise—

- (a) the use of a room used as part of a private dwelling; or
- (b) any interference with the hours during which a room in the premises of a school is used for educational purposes; or
- (c) any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.

(4) If, by reason of the use of a room for any of the purposes mentioned in subsection (1) or (2) above, any expense is incurred by persons having control of the room, or any damage is done to the room or the building of which it is part or to its appurtenances, or to the furniture of the room or any teaching aids, the expense or the cost of making good the damage shall be defrayed as an expense of the parish or community council or parish or community meeting.

(5) If any question arises under this section as to what is reasonable or suitable, it may be determined by the Secretary of State.

135.—(1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf. Contracts of local authorities.

(2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.

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(3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.

(4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

Miscellaneous

Contributions towards expenditure on concurrent functions.

136. Two or more local authorities may make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.

Power of local authorities to incur expenditure for certain purposes not otherwise authorised.

137.—(1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment.

(2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.

(3) A local authority may, subject as aforesaid, incur expenditure on contributions to any of the following funds, that is to say—

- (a) the funds of any charitable body in furtherance of its work in the United Kingdom ; or
- (b) the funds of any body which provides any public service in the United Kingdom otherwise than for the purposes of gain ; or
- (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor

of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member.

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(4) The expenditure of a local authority under this section in any financial year shall not exceed the product of a rate of 2p in the pound for their area for that year or if some other amount, whether higher or lower, is fixed by an order made by the Secretary of State shall not exceed the product of a rate of that amount in the pound for their area for that year.

(5) A statutory instrument containing an order under subsection (4) above may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.

(6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure, and section 228(4), (6) and (7) below shall have effect as if any reference to the abstract of the accounts of the local authority included a reference to any such separate account as aforesaid.

(8) The product of a rate of 2p or any other amount in the pound for any area shall be computed for the purposes of this section by reference to the product of a rate of 1p in the pound for that area as determined for those purposes in accordance with rules made under section 113(1)(c) of the General Rate Act 1967 c. 9.

(9) In this section "local authority" includes the Common Council.

138.—(1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—

Powers of principal councils with respect to emergencies or disasters.

(a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and

(b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

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(2) Where a principal council take any such action as aforesaid which will involve their incurring expenditure or make any such grant or loan, they shall as soon as practicable notify the Secretary of State of the action they have taken or of any grant or loan they have made, and the Secretary of State may direct them to cease taking that action or to take it only to such extent as he may specify in the direction or not to make any further grant or loan or to make one not exceeding such amount as he may specify.

(3) Subsection (1) above does not authorise a local authority to execute—

1930 c. 44. (a) any drainage or other works in any part of a main river, within the meaning of the Land Drainage Act 1930, or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or

1961 c. 48. (b) any works which local authorities have power to execute under section 34 of the Land Drainage Act 1961 (measures against flooding),

but subject to those limitations, the power conferred by that subsection is in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.

(4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.

Acceptance of
gifts of
property.

139.—(1) Subject to the provisions of this section a local authority may accept, hold and administer—

(a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose ; or

(b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose ;

and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.

(3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.

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(4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of the Education Acts 1944 to 1971.

140.—(1) A local authority may enter into a contract with any person whereby, in consideration of payments by the authority by way of premium or otherwise, that person undertakes to pay to the authority such sums as may be provided in the contract in the event of any member of the authority meeting with a personal accident, whether fatal or not, while he is engaged on the business of the authority. Insurance by local authorities against accidents to members.

(2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member of the authority in respect of an accident to whom that sum is received.

(3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of the Insurance Companies Act 1958 to be a policy of insurance upon the happening of personal accidents. 1774 c. 48. 1958 c. 72.

(4) In this section, the expression "local authority" includes the London Transport Executive established under section 4 of the Transport (London) Act 1969 and the expression "member of the authority" includes a member of a committee or sub-committee of the authority who is not a member of that authority. 1969 c. 60.

141.—(1) The council of a county may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning the county or any part of the county and may make, or assist in the making of, arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the county, any government department or the public. Research and the collection of information.

(2) The appropriate Minister with respect to any matter may require the council of a county to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the county in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession

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of, or available to, any other local authority in the county, but not the county council, the county council may require that other authority to furnish them with that information.

Provision of information, etc., relating to matters affecting local government.

142.—(1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities or by government departments or by charities and other voluntary organisations, and other information as to local government matters affecting the area.

(2) A local authority may—

- (a) arrange for the publication within their area of information on matters relating to local government ; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters ; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters ; and
- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

(3) In this section “local authority” includes the Common Council and “voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

Subscriptions to local government associations.

143.—(1) A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
- (b) of any association of officers or members of local authorities which was so formed.

(2) In this section “local authority” includes the Common Council.

Power to encourage visitors and provide conference and other facilities.

144.—(1) A local authority may (either alone or jointly with any other person or body)—

- (a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area ; and

(b) provide, or encourage any other person or body to provide, facilities for recreation, conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.

(2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.

(3) The Greater London Council, a London borough council and the Common Council shall not have power under subsection (2) above to contribute to the giving in the United Kingdom of publicity, whether by advertising or otherwise, to the commercial or industrial advantages of any part of Greater London.

(4) The powers conferred on the Greater London Council by section 73 of the 1963 Act (publicity for amenities of Greater London) shall also be exercisable as respects their respective areas by the London borough councils and the Common Council.

(5) In this section "local authority" includes the Common Council.

145.—(1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say—

- (a) the provision of an entertainment of any nature or of facilities for dancing ;
- (b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances ;
- (c) the maintenance of a band or orchestra ;
- (d) the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts ;
- (e) any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.

(2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—

- (a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control ;

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- (b) may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto ;
- (c) may themselves make charges for admission to any entertainment given or dance or exhibition of arts or crafts held by them and for any refreshment or programmes supplied thereat.

(3) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of intoxicating liquor.

(5) In this section, the expression "local authority" includes the Common Council.

Transfer of securities on alteration of area, etc.

146.—(1) Where any securities are standing in the books of a company in the name of a local authority, the following provisions shall have effect—

- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name ;
- (b) if by virtue of anything done under any provision of this Act or the 1963 Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of the county in which the area of that other authority is situated, or the scheme, order or award under which that other authority have become so entitled, shall be

a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority ;

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- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the court may on application make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be, and the Trustee Act 1925 shall apply in like manner as if the vesting order were made under section 51 of that Act. 1925 c. 19.

(2) In this section, the expression—

“ company ” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed ;

“ local authority ” means a local authority within the meaning of the 1933 Act, the London Government Act 1939 or this Act or a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, a burial board, a joint burial board or the parish trustees of a parish ; 1939 c. 40.

“ securities ” has the same meaning as in the Prevention of Fraud (Investments) Act 1958. 1958 c. 45.

(3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a county court would have jurisdiction if the application were an application made under the Trustee Act 1925, by that court. 1925 c. 19.

PART VIII

FINANCE

Expenses and receipts

147.—(1) All expenses of a principal council shall be general expenses chargeable on the whole of their area except— Expenses of principal councils.

(a) those which by virtue of any enactment or instrument of a legislative character are special expenses chargeable only on part of their area ; and

(b) in the case of expenses of a county council, expenses incurred under any enactment passed before 1st June 1934 and not declared, directed or ordered to be general expenses or expenses, including expenses of a specified description, for general county purposes.

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(2) In determining the amount of any expenses of a principal council, whether general or special, a proper proportion of the cost of the offices, buildings and establishment of the council may be added to those expenses.

(3) A district council may by resolution declare any expenses incurred by them to be special expenses chargeable only on such part of their area as may be specified in the resolution, and any such resolution may be varied or revoked by a subsequent resolution of the council.

(4) The expenses of a district council arising out of, or incidental to, the possession of property held by the council in trust for any rating district shall, so far as they fall to be defrayed out of rates, be special expenses chargeable only on that rating district, but without prejudice to the powers of the council under subsection (5) below.

(5) Where any expenses of a principal council are payable as special expenses, the council may determine to contribute as part of their general expenses such sums as appear to them to be reasonable in or towards defraying those expenses, and to treat the remainder, if any, as special expenses.

(6) Any order made under section 190(3) of the 1933 Act or any enactment replaced by that subsection and declaring expenses of any description to be separately chargeable on any contributory place, being an order in force immediately before 1st April 1974, shall on and after that date have effect as a resolution made under subsection (3) above by the council of the district in which that place is situated declaring the expenses to be special expenses chargeable only on the area of that place, and may be varied or revoked accordingly.

Principal
councils'
funds and
accounts.
1925 c. 90.

148.—(1) The council of each district and London borough shall keep a general rate fund, and references in any Act or instrument to any fund which by virtue of section 10 of the Rating and Valuation Act 1925 was amalgamated with the general rate fund of a borough or district shall, unless the context otherwise requires, be construed as references to the general rate fund of the district or borough.

(2) The council of each county shall keep a fund to be known as the county fund and the Greater London Council shall keep a fund to be known as the general fund.

(3) Where any authority other than a rating authority receive income applicable to the relief of rates in some part of their area and the amount of the income so received in any financial year exceeds any expenditure incurred in connection with the income in that year and chargeable only on that part of the area,

the authority shall pay the excess to the rating authority of the rating area in which that part is situated to be credited to that part.

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(4) All receipts of a principal council shall be carried to the appropriate fund, that is to say, the county fund in the case of a county, the general fund in the case of the Greater London Council and the general rate fund in the case of a district or London borough, and all liabilities falling to be discharged by any such council shall be discharged out of the appropriate fund.

(5) Accounts shall be kept of receipts carried to, and payments made out of, the appropriate fund and any account kept in respect of general expenses only of a principal area shall be called the general account of that area and any account kept in respect of any class of special expenses only of any such area shall be called a special account of that area.

149.—(1) A county council and the Greater London Council may issue precepts to the appropriate rating authorities for the levying of rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made and may at any time issue a supplementary precept if they think it necessary to do so having regard to the requirements of the council. Precepts and rates.

(2) A precept issued by a county council or the Greater London Council shall be so issued as to secure that the rate is levied—

- (a) in the case of a rate to meet liabilities in respect of general expenses of the council, on the whole of the county or Greater London, as the case may be; and
- (b) in the case of a rate to meet liabilities in respect of special expenses of the council, on the area chargeable therewith.

(3) Amounts leviable by a district or London borough council by means of a rate shall be chargeable—

- (a) in the case of amounts leviable to meet liabilities in respect of general expenses, on the whole of the district or borough; and
- (b) in the case of amounts leviable to meet liabilities in respect of special expenses, on the part of the district or borough chargeable therewith.

(4) A precept issued by a county council or the Greater London Council shall include as separate items contributions in respect of general and special expenses respectively.

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Expenses of
parish and
community
councils.

150.—(1) The sums required to meet the expenses of a parish or community council or a parish or community meeting shall—

- (a) in the case of a parish or community not grouped under a common parish or community council, be chargeable on the parish or community ;
- (b) in the case of a common parish or community council for parishes or communities so grouped, be chargeable on the parishes or communities within the group ;
- (c) in the case of a parish meeting of a parish, or a community meeting of a community, so grouped, be chargeable only on that parish or community.

(2) In a parish having a separate parish council or in a community having a council, whether separate or common, the expenses of the parish meeting or any community meeting shall be paid by the parish or community council.

(3) In a community not having a community council, whether separate or common, the expenses of any community meeting shall be paid by the council of the district in which the community is situated.

(4) For the purpose of obtaining sums necessary to meet the expenses of a parish or community council or a parish or community meeting, the parish or community council, or the chairman of the parish meeting of a parish not having a separate parish council, shall issue precepts to the council of the district in which the parish or community is situated.

(5) Every cheque or other order for the payment of money by a parish or community council shall be signed by two members of the council.

(6) Every parish or community council and the chairman of the parish meeting for a parish not having a separate parish council shall keep such accounts as may be prescribed of the receipts and payments of the council or parish meeting, as the case may be.

(7) References in this section to the expenses of a parish or community meeting include references to the expenses of any poll consequent on a parish or community meeting.

Financial
administration.

151. Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

Revenues
from under-
takings.

152. Nothing in sections 147 to 150 above shall be construed as requiring or authorising a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on

by them otherwise than in accordance with any enactment or instrument applicable to the undertaking. PART VIII

153.—(1) Subject to sections 123(6) and 127(4) above and to subsection (2) below, capital money received by a local authority on a disposal of land under Part VII of this Act shall be applied towards the discharge of any debt of the local authority or otherwise for any purpose for which capital money may properly be applied. Application of capital money on disposal of land.

(2) Subject to the provisions of section 27 of the Town and Country Planning Act 1959 (application of capital money in certain cases without consent) the application of capital money in accordance with subsection (1) above shall be effected only with the consent of the Secretary of State. 1959 c. 53.

Accounts and audit

154.—(1) All accounts of a local authority or a parish meeting for a parish not having a separate parish council or any committee of any such authority (including a joint committee of two or more such authorities) and the accounts of the rate fund and superannuation fund of the City shall be audited in accordance with this Part of this Act by either a district auditor or an approved auditor, and in this Part of this Act “the accounts of the rate fund and superannuation fund of the City” means— Accounts to be audited by district or approved auditor.

(a) the accounts relating to the levy and collection of the poor rate and general rate made by the Common Council and to the income and expenditure which falls to be credited in aid of, or to be met out of, the poor rate or the general rate ; and

(b) the accounts relating to the superannuation fund established and administered in pursuance of Part II of the City of London (Various Powers) Act 1931 ; 1931 c. xiv.

and any reference in this Part of this Act to the accounts of a body shall be construed, in relation to the Common Council, as a reference to the accounts of the rate fund and superannuation fund of the City.

(2) Subject to the following provisions of this section—

(a) the accounts of a county council or district council shall be audited either by the district auditor or by an auditor appointed by the council, according as the council shall determine by resolution passed before 1st January 1974 ;

(b) the accounts of the Greater London Council, of a London borough council or of a joint committee of either the Greater London Council and one or more

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London borough councils or the councils of two or more London boroughs shall be audited by the district auditor ;

- (c) the accounts of the rate fund and superannuation fund of the City shall be audited either by the district auditor or by an auditor appointed by the Common Council, according as the Common Council shall determine by resolution passed before 1st January 1974 ;
- (d) the accounts of the parish council, parish meeting or community council of each of the parishes or communities in a particular district and of every joint committee of the councils of two or more parishes or communities, both or all of which are situated in that district, shall be audited either by the district auditor or by an auditor appointed by the council of the district in which the parishes or communities are situated, according as that district council shall determine by resolution passed before 1st January 1974 ; and
- (e) the accounts of any joint committee to which subsection (1) above applies but which does not fall within paragraph (b) or paragraph (d) above shall be audited either by the district auditor or by an auditor appointed by the committee, according as the committee shall determine by resolution passed not later than six weeks after the committee is established ;

but a resolution under this subsection providing for any accounts to be audited by an auditor appointed by a council or committee shall be of no effect unless the appointment is approved by the Secretary of State under section 164 below.

(3) Subject to the following provisions of this section, in any case where, by virtue of any provision of this section or of section 164 below, any accounts are audited by the district auditor, the body which resolved that the accounts should be so audited or, in the case of any accounts falling within subsection (2)(b) above, the body whose accounts they are, may by resolution passed before 1st October in any year determine that, for the financial year beginning on 1st April next following and for subsequent financial years, those accounts shall not be so audited but shall instead be audited by an auditor appointed by the body :

Provided that no resolution under this subsection with respect to any accounts falling within subsection (2)(b) above shall have effect for a financial year beginning before 1st April 1976.

(4) Subject to the following provisions of this section, in any case where, by virtue of subsection (2) or subsection (3) above or any provision of section 164 below, any accounts are audited

by an auditor whose appointment is approved by the Secretary of State under that section, the body which appointed him may by a resolution passed before 1st October in any year determine that, for the financial year beginning on 1st April next following and for subsequent financial years, those accounts shall not be so audited but shall instead be audited either by the district auditor or by a different auditor appointed by the body.

(5) A resolution of a principal council or of the Common Council under subsection (2)(a), subsection (2)(c), subsection (3) or subsection (4) above may make different provision in relation to different accounts of the council or (in the case of a resolution under subsection (3) or subsection (4) above) may apply only to such of the council's accounts as may be specified in the resolution.

(6) A resolution of a body under subsection (3) or subsection (4) above shall not be effective to terminate the appointment of the person (whether the district auditor or an approved auditor) who at the time the resolution is passed is the auditor of the accounts concerned unless—

- (a) notice of the intention to move the resolution has been given to him not less than one month before the meeting at which it is moved ; and
- (b) not more than six weeks after the resolution is passed the Secretary of State has notified the body of his approval of the resolution under subsection (8) below ;

and the appointment of another auditor, other than the district auditor, by virtue of such a resolution shall be of no effect unless the appointment is approved by the Secretary of State under section 164 below.

(7) Where notice is served on an auditor under paragraph (a) of subsection (6) above—

- (a) the body concerned shall have regard to any representations in writing made to them by the auditor at any time before the date of the meeting at which the resolution is to be moved ; and
- (b) the Secretary of State shall have regard to any representations in writing made to him by the auditor at any time not later than two weeks after the resolution is passed.

(8) Where a body has passed a resolution under subsection (3) or subsection (4) above with respect to any accounts they shall send a copy of the resolution to the Secretary of State and the Secretary of State shall notify them in writing whether or not he approves the resolution.

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(9) In any case where an approved auditor gives notice in writing to the body who appointed him to audit any accounts that he wishes to resign his appointment on completion of the audit of those accounts for a particular financial year—

(a) the power of the body to pass a resolution under subsection (4) above to replace the approved auditor shall be exercisable as if in that subsection for the words “before 1st October in any year” there were substituted the words “within six weeks of the receipt by them of a notice under subsection (9) below” and for the words “beginning on 1st April next following” there were substituted the words “following that specified in that notice”;

(b) subsection (6) above, except so far as it relates to the appointment of a new auditor, and subsections (7) and (8) above shall not apply in relation to any such resolution; and

(c) a copy of any such resolution shall be sent to the Secretary of State together with a copy of the notice given to the body by the approved auditor.

(10) If it appears to the Secretary of State that, with respect to any accounts falling within subsection (1) above,—

(a) no resolution relating to the audit of the accounts has been passed under any of paragraphs (a), (c), (d) and (e) of subsection (2) above, or

(b) for any other reason neither the district auditor nor an approved auditor is for the time being appointed to audit the accounts, or

(c) the approved auditor who is for the time being appointed to audit the accounts is for any reason unable or unwilling to act,

he may direct that, with respect to such financial year as may be specified in the direction and subsequent financial years, the accounts shall be audited by the district auditor; and where such a direction is given the provisions of this section and the following provisions of this Part of this Act shall have effect as if by virtue of a resolution of the body concerned under subsection (2) or subsection (4) above, for the financial year so specified and subsequent financial years the accounts are to be audited by the district auditor.

(11) The provisions of this section shall have effect with respect to the accounts of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts as if all the parishes in the group were comprised in that district in which there is, at the time at which this provision comes into force, the greater number of local government electors for the parishes in the group.

155. All accounts to which section 154(1) above applies PART VIII and all other accounts which by law are required to be audited Yearly in accordance with this Part of this Act shall be made up yearly accounts to 31st March or such other date as the Secretary of State may generally or in any special case direct.

156.—(1) The Secretary of State may with the consent of the District Minister for the Civil Service appoint such number of district auditors as he thinks necessary for the purpose of auditing accounts required to be audited in accordance with this Part of this Act and such other persons to assist them as he thinks necessary; and those persons shall, subject to any directions given by a district auditor, have the same functions as a district auditor and references in this Part of this Act to a district auditor shall be construed accordingly.

(2) There shall be paid to district auditors and other persons appointed under this section, out of moneys provided by Parliament, such remuneration and such expenses as the Secretary of State may determine with the approval of the Minister for the Civil Service.

157. In auditing any accounts required to be audited in General accordance with this Part of this Act, an auditor shall by duties of examination of the accounts and otherwise satisfy himself that— auditors.

(a) the accounts are prepared in accordance with regulations made under section 166 below and comply with the requirements of all other enactments and instruments applicable to the accounts;

(b) proper accounting practices have been observed in the compilation of the accounts;

and the auditor shall be under a duty to consider whether, in the public interest, he should make a report on any matters arising out of or in connection with the accounts, in order that those matters may be considered by the body concerned or brought to the attention of the public.

158.—(1) An auditor shall have a right of access at all times Auditor's to all such documents relating to the accounts of a body whose right of accounts are required to be audited in accordance with this Part access to of this Act as appear to him to be necessary for the purpose of documents. auditing the accounts in respect of which he is the auditor and shall be entitled to require from any officer of that body and any other person holding or accountable for any such document such information and explanation as he thinks necessary for that purpose and, if he thinks it necessary for providing any such information or explanation, to require any such officer or person to attend before him in person and produce any such documents.

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(2) Without prejudice to subsection (1) above, every body whose accounts are required to be audited in accordance with this Part of this Act shall provide the auditor with every facility and all information which he may reasonably require for the purposes of the audit.

(3) Any person who wilfully or negligently fails to comply with any requirement of an auditor under subsection (1) above shall be liable on summary conviction to a fine not exceeding £100 and to an additional fine not exceeding £20 for each day on which the offence continues after conviction thereof.

(4) Any expenses incurred by an auditor in connection with proceedings in respect of an offence under subsection (3) above alleged to have been committed in relation to the accounts of any body shall, so far as not recovered from any other source, be recoverable from that body.

(5) If an approved auditor discloses to any person any information obtained by him in the course of auditing any accounts under this Part of this Act he shall, unless the disclosure is made in the course of performing his functions under this Part of this Act, be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.

Public
inspection
of accounts
and right of
challenge.

159.—(1) At each audit by an auditor under this Part of this Act any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating thereto and make copies of all or any part of the accounts and those other documents.

(2) At the request of a local government elector for any area to which those accounts relate, the auditor shall give the elector, or any representative of his, an opportunity to question the auditor about the accounts.

(3) If the audit is conducted by a district auditor, any local government elector for any area to which those accounts relate, or any representative of his, may attend before the auditor and make objections to any of those accounts.

(4) If the audit is conducted by an approved auditor, any such local government elector as is referred to in subsection (3) above may make an application to the Secretary of State requesting him to direct a district auditor to hold an extraordinary audit of the accounts under section 165 below.

Auditor's
report.

160.—(1) Not later than fourteen days after the conclusion of the audit of the accounts of a body whose accounts are required to be audited in accordance with this Part of this Act the

auditor shall send any report of his on the audited accounts under section 157 above to the body or, in the case of a parish meeting, to the chairman, and shall also send a copy of the report to the Secretary of State, and the body shall take the report into consideration as soon as practicable after they have received it.

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(2) The agenda supplied to the members of a body for the meeting of the body at which they take into consideration a report of an auditor sent to them under subsection (1) above shall be accompanied by that report, and the report shall not be excluded from the matter supplied for the benefit of any newspaper under section 1(4)(b) of the Public Bodies (Admission to Meetings) Act 1960 (supply of agenda of meetings and related documents to newspapers).

161.—(1) Where the audit of any accounts under this Part of this Act is carried out by a district auditor and it appears to him that any item of account is contrary to law he may apply to the court for a declaration that the item is contrary to law except where it is sanctioned by the Secretary of State.

Powers of
district
auditor and
the court.

(2) On an application under subsection (1) above the court may make or refuse to make the declaration asked for, and where the court makes that declaration then, subject to subsection (3) below, it may also—

- (a) order that any person responsible for incurring or authorising any expenditure declared unlawful shall repay it in whole or in part to the body in question and, where two or more persons are found to be responsible, that they shall be jointly and severally liable to repay it as aforesaid ; and
- (b) if any such expenditure exceeds £2,000 and the person responsible for incurring or authorising it is a member of a local authority, order him to be disqualified for being a member of a local authority for a specified period ; and
- (c) order rectification of the accounts.

(3) The court shall not make an order under subsection (2)(a) or (b) above if the court is satisfied that the person responsible for incurring or authorising any such expenditure acted reasonably or in the belief that the expenditure was authorised by law, and in any other case shall have regard to all the circumstances, including that person's means and ability to repay that expenditure or any part of it.

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(4) Where the audit of any accounts under this Part of this Act is conducted by a district auditor and it appears to him—

- (a) that any person has failed to bring into account any sum which should have been so included and that the failure has not been sanctioned by the Secretary of State, or
- (b) that a loss has been incurred or deficiency caused by the wilful misconduct of any person,

he shall certify that the sum or, as the case may be, the amount of the loss or deficiency is due from that person and, subject to subsections (6) and (8) below, both he and the body in question or, in the case of a parish meeting, the chairman of the meeting, may recover that sum or amount for the benefit of that body; and if a district auditor certifies under this subsection that any sum or amount is due from two or more persons, they shall be jointly and severally liable for that sum or amount.

(5) Any person who—

- (a) has made an objection under section 159(3) above and is aggrieved by a decision of a district auditor not to apply for a declaration under subsection (1) above or not to certify under subsection (4) above that a sum or amount is due from another person, or
- (b) is aggrieved by a decision of a district auditor to certify under subsection (4) above that a sum or amount is due from him,

may, not later than six weeks after he has been notified of the decision, require the district auditor to state in writing the reasons for his decision.

(6) Any such person who is aggrieved by any such decision may appeal against the decision to the court, and—

- (a) in the case of a decision not to apply for a declaration, the court shall have the like powers in relation to the item of account to which the objection relates as if the auditor had applied for the declaration;
- (b) in the case of a decision to certify that any sum or amount is due from any person, the court may confirm, vary or quash the decision and give any certificate which the auditor could have given;
- (c) in the case of a decision not to certify that any sum or amount is due from any person, the court may confirm the decision or quash it and give any certificate which the auditor could have given;

and any certificate given under paragraph (b) or (c) above shall be treated for the purposes of subsection (4) above and the following provisions of this section as if it had been given by the auditor under subsection (4) above.

(7) If a certificate under this section relates to a loss or deficiency caused by the wilful misconduct of any person who is a member of a local authority and the amount certified to be due from him exceeds £2,000, that person shall be disqualified for being a member of a local authority for the period of five years beginning on the ordinary date on which the period allowed for bringing an appeal against the decision to give the certificate expires, or, if such an appeal is brought, the date on which the appeal is finally disposed of or abandoned or fails for non-prosecution.

(8) A sum or other amount certified under this section to be due to a local authority or any other body shall be payable within fourteen days after the date of the issue of the certificate or, if an appeal is brought, within fourteen days after the appeal is finally disposed of or abandoned or fails for non-prosecution.

(9) In any proceedings for the recovery of any sum or amount due from any person under this section, a certificate signed by a district auditor stating that that sum or amount is due from a person specified in the certificate to a body so specified shall be conclusive evidence of that fact, and a certificate signed by the officer or person whose duty it is to keep the accounts of that body that that sum or amount has not been paid to the body shall be conclusive evidence that it has not been so paid, unless it is proved that it was paid since the date of the certificate.

(10) Any certificate purporting to be so signed shall be taken to have been so signed unless the contrary is proved.

(11) On an application under subsection (1) above or an appeal under subsection (6) above relating to the accounts of a body, the court may make such order as the court thinks fit for the payment by that body of expenses incurred in connection with the application or appeal by the district auditor or the person to whom the application or appeal relates or by whom the appeal is brought, as the case may be.

(12) Any expenses incurred by a district auditor in recovering a sum or other amount certified under this section to be due in connection with the accounts of a body shall, so far as not recovered from any other source, be recoverable from that body unless the court otherwise directs.

(13) The court having jurisdiction for the purposes of this section shall be the High Court except that, if the amount of the item of account alleged to be contrary to law, or the sum or amount alleged to be due, does not exceed the amount over which county courts have jurisdiction in actions founded on contract, the county court shall have concurrent jurisdiction with the High Court.

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(14) In this section "local authority" includes the Common Council.

Duty of approved auditor in case of illegality, etc. in accounts.

162. Where the audit of accounts under this Part of this Act is conducted by an approved auditor and it appears to him that there is reasonable ground for believing—

- (a) that any item of account is contrary to law, or
- (b) that any person has failed to bring into account any sum which should have been so included, or
- (c) that a loss has been incurred or deficiency caused by the wilful misconduct of any person,

he shall forthwith report the matter to the Secretary of State in order that the Secretary of State may consider whether he should direct a district auditor to hold an extraordinary audit of the accounts under section 165 below.

Fees for audits.

163.—(1) The Secretary of State shall prescribe recommended fees in respect of the audit of any accounts which are required to be audited in accordance with this Part of this Act, and, in respect of any particular audit, the Secretary of State may, after consulting the auditor appointed to carry out the audit and the body whose accounts are to be audited, fix a fee higher or lower than the recommended fee applicable to that audit.

(2) A body whose accounts are audited in accordance with this Part of this Act shall pay—

- (a) to the Secretary of State, if the audit is carried out by the district auditor, and
- (b) to the auditor concerned, if the audit is carried out by an approved auditor,

the fee, if any, fixed for the audit under subsection (1) above, or if no fee is so fixed, either the recommended fee applicable to the audit or such higher fee as appears to the body to be appropriate in the circumstances.

(3) Before prescribing recommended fees under this section the Secretary of State shall consult with such bodies representative of local authorities as appear to him to be concerned.

Approved auditors.

164.—(1) Where any accounts of a body are required to be audited in accordance with this Part of this Act and a person, other than the district auditor, is appointed to carry out the audit, his appointment shall be of no effect for the purposes of this Part of this Act unless particulars of the appointment are sent to the Secretary of State and the appointment is approved by him under this section; and in this Part of this Act "approved auditor" means an auditor who is qualified under subsection (2) below and whose appointment is so approved by the Secretary of State.

(2) A person is qualified for the purposes of subsection (1) above if, and only if, he is a member, or a firm all the persons wherein are members, of one or more of the following bodies, that is to say—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants ;

the Institute of Municipal Treasurers and Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom for the time being approved by the Secretary of State.

(3) The Secretary of State shall not withhold his approval of the appointment of any person as auditor of any accounts under this Part of this Act unless he is not satisfied—

(a) that the person concerned has the experience, staff and facilities necessary for carrying out an efficient audit of those accounts, or

(b) that the terms of his appointment are appropriate to the appointment of an auditor to audit those accounts.

(4) Where particulars of an appointment have been sent to the Secretary of State under subsection (1) above, he shall, after considering the matters referred to in paragraphs (a) and (b) of subsection (3) above, give notice in writing to the body which made the appointment stating whether or not he approves the appointment; and in any case where the Secretary of State notifies a body that he does not approve an appointment made by them the body shall—

(a) proceed to make a new appointment, or

(b) resolve that the accounts concerned shall be audited by a district auditor, or

(c) if the body is a principal council or the Common Council, resolve that certain of the accounts concerned shall be audited by an auditor appointed by the council and the rest of those accounts shall be audited by the district auditor,

and, within the period of six weeks beginning with the receipt by them of the notification, or such longer period as the Secretary of State may allow, particulars of the new appointment made under paragraph (a) above shall be sent to the Secretary of State under subsection (1) above or, as the case may require, a copy of the resolution under paragraph (b) or paragraph (c) above shall be sent to him together, in the case of a resolution

PART VIII under paragraph (c) above, with the particulars (required to be sent to him under subsection (1) above) of the appointment made by virtue of the resolution.

(5) Subject to the following provisions of this section, the appointment of an approved auditor for any accounts shall continue to be effective for succeeding financial years unless a resolution determining that the accounts shall no longer be audited by him is passed and approved under section 154 above; and in any such case his appointment shall cease except with respect to the accounts of the financial year in which the resolution is passed and any preceding financial year in respect of which his appointment was effective.

(6) If at any time after the appointment of an auditor has been approved by the Secretary of State under this section the Secretary of State ceases to be satisfied with respect to any of the matters specified in paragraphs (a) and (b) of subsection (3) above, the Secretary of State may,—

(a) after giving not less than one month's notice in writing to the approved auditor and to the body who appointed him informing them that the Secretary of State is considering the revocation of his approval, and

(b) after considering any representations made to him by the auditor or that body,

give notice in writing to the auditor and the body who appointed him that the approval of the auditor's appointment is withdrawn; and on the receipt of such a notice by the body concerned the auditor's appointment shall terminate.

(7) For the purpose of assisting the Secretary of State in considering whether he should approve a person's appointment as auditor under subsection (3) above or whether he should exercise his power under subsection (6) above to withdraw his approval of an auditor's appointment, the body to all or any of whose accounts the appointment relates shall, if requested to do so by him, make available for inspection on behalf of the Secretary of State the accounts concerned and such other documents relating to them as might reasonably be required by an auditor for the purpose of auditing the accounts.

(8) The provisions of subsection (9) below shall apply if any of the following events occurs, namely—

(a) an approved auditor dies or ceases to be qualified under subsection (2) above, or

(b) the appointment of an approved auditor is terminated by agreement between himself and the body who appointed him, but otherwise than as mentioned in section 154(9)

above), or by virtue of a notification by the Secretary of State of the withdrawal of his approval under subsection (6) above.

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(9) If any of the events specified in subsection (8) above occurs, the body which appointed the auditor shall—

- (a) proceed to make a new appointment, or
- (b) resolve that the accounts concerned shall be audited by the district auditor, or
- (c) if the body is a principal council or the Common Council, resolve that certain of the accounts concerned shall be audited by an auditor appointed by the council and the rest of those accounts shall be audited by the district auditor,

and, within the period of six weeks beginning with the event in question or such longer period as the Secretary of State may allow, particulars of the new appointment made under paragraph (a) above shall be sent to the Secretary of State under subsection (1) above or, as the case may require, a copy of the resolution under paragraph (b) or paragraph (c) above shall be sent to him together, in the case of a resolution under paragraph (c) above, with the particulars (required to be sent to him under subsection (1) above) of the appointment made by virtue of the resolution.

(10) Without prejudice to subsection (5) above, the appointment of an approved auditor under subsection (9) above or a resolution under that subsection providing for the district auditor to audit any accounts shall have effect with respect to the accounts for the financial year in which the appointment is made or, as the case may be, the resolution is passed, and for subsequent financial years and also for any preceding financial year in respect of which the approved auditor referred to in paragraph (a) or paragraph (b) of subsection (8) above did not complete the audit of the accounts concerned.

165.—(1) The Secretary of State may—

- (a) on the application of a local government elector for the area of any body whose accounts are required to be audited in accordance with this Part of this Act, or on the application of any such body, or
- (b) if it appears to him from an auditor's report under section 157 or section 162 above, or for any other reason, that it is desirable to do so,

Extraordinary
audit.

direct a district auditor to hold an extraordinary audit of the accounts of that body.

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(2) The provisions of section 157 to 161 above, except subsections (1), (2) and (4) of section 159, shall apply to an extraordinary audit under this section as they apply to an ordinary audit under this Part of this Act.

(3) An extraordinary audit under this section may be held after three clear days' notice in writing given to the body whose accounts are to be audited, or, in the case of the accounts of a parish meeting, to the chairman of the meeting.

(4) The expenditure incurred in holding an extraordinary audit of the accounts of any body shall be defrayed in the first instance by the Secretary of State, but he may, if he thinks fit, recover the whole or any proportion of that expenditure from that body.

Regulations
as to accounts.

166.—(1) The Secretary of State may make regulations with respect to the publication of information relating to and the form, preparation, keeping and certification of accounts which are subject to audit under this Part of this Act (including extraordinary audit under section 165 above) and any such regulations may include provision with respect to—

- (a) any procedure to be complied with in connection with any such audit ;
- (b) the deposit of such accounts of any body at the offices of the body or any other place and the publication of information with respect to them ;
- (c) the exercise of any rights of inspection or objection conferred by this Act in relation to the accounts of any body and any auditor's report thereon, and the steps to be taken for informing local government electors for the area of that body of those rights ;
- (d) the provision by bodies whose accounts are being audited of information for the purpose of determining the fee payable for the audit ;
- (e) the making of an abstract of the accounts as audited.

(2) If any person wilfully contravenes any provision of regulations under this section, the contravention of which is declared by the regulations to be an offence, he shall be liable on summary conviction in the case of a first offence to a fine not exceeding £20 and in the case of a second or subsequent offence to a fine not exceeding £50.

(3) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any expenses incurred by an auditor in connection with proceedings in respect of an offence under subsection (2) above alleged to have been committed in relation to the accounts of any body shall, so far as not recovered from any other source, be recoverable from that body.

167. Where an officer of a body whose accounts are required to be audited in accordance with this Part of this Act receives any money or other property on behalf of that body, or receives any money or other property for which he ought to account to that body, the accounts of the officer shall be audited by the auditor of the accounts of that body and sections 154 to 166 above shall with all necessary modifications apply accordingly to the accounts and the audit.

PART VIII

Audit of
accounts of
officers.

Miscellaneous provisions as to finance and rating

168.—(1) Subject to subsection (3) below, every local authority and the chairman of the parish meeting of every parish not having a separate parish council shall make a return to the Secretary of State for each year ending on 31st March, or such other day as the Secretary of State may direct,—

Local
financial
returns.

- (a) of their income and expenditure or, in the case of the chairman of a parish meeting, the income and expenditure of the parish meeting;
- (b) in the case of any rating authority, of the amount levied by way of rates in the area and the amount paid to any other authority in pursuance of a precept.

(2) Returns under this section shall be in such form, shall contain such particulars, shall be submitted to the Secretary of State by such date in each year and shall be certified in such manner as the Secretary of State may direct, and a direction under this subsection may impose different requirements in relation to returns of different classes.

(3) If it appears to the Secretary of State that sufficient information about any of the matters mentioned in subsection (1) above has been supplied to him by a local authority or by or on behalf of a parish meeting under any other enactment, he may exempt the authority or the chairman of the meeting from all or any of the requirements of this section so far as they relate to that matter.

(4) The Secretary of State shall as respects each year cause a summary to be made of the returns sent to him under this section and of any information supplied to him under any other enactment in consequence of which he has granted an exemption under this section and shall lay the summary before both Houses of Parliament.

(5) In this section “local authority”, “levied” and “rate” have the same meanings as in the Local Loans Act 1875. 1875 c. 83.

169.—(1) As soon as may be after the first election of councillors for a new principal area, each existing rating authority whose area or part of whose area falls within that new principal area shall, in accordance with arrangements made by the Sec-

Initial
expenses
of new
authorities.

PART VIII Secretary of State by regulations, cause the appropriate contribution to be paid into the county fund where the new principal area is a county and into the general rate fund where the new principal area is a district.

(2) In subsection (1) above "the appropriate contribution", in relation to an existing rating area or any part of such an area, means an amount equal to one quarter or such other fraction as the Secretary of State may by order prescribe of the product of a rate of 1p in the pound levied in that rating area, or, as the case may be, that part, for the year 1973-74, being—

- (a) in the case of the area of an existing county borough, that product as ascertained for the purposes of Part II of Schedule 1 to the Local Government Act 1966 ;
- (b) in a case where that product has been estimated by the rating authority for the purposes of section 12(2) of the General Rate Act 1967 (precepts by county councils, etc.), that product as so estimated ;
- (c) in any other case, that product estimated by the rating authority in the same way as it would fall to be estimated for the purposes of the said section 12(2).

1966 c. 42.

1967 c. 9.

(3) A statutory instrument containing an order under subsection (2) above—

- (a) may apply to all existing rating areas or may make different provision in relation to existing rating areas of different descriptions ; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The council of a new area may borrow for the purpose of meeting any expenditure incurred by them before 1st April 1974 and the council of a new district in Wales may borrow for the purpose of lending to the council of a community in the district to enable the latter to meet any expenditure so incurred.

(5) With a view to providing sums which may be transferred by an order under section 254 below to one or more new local authorities any existing authority for an area outside Greater London may include in any rates made or precepts issued by them in respect of the last rate period before 1st April 1974 provision to meet contingencies or defray any expenditure which, if this Act had not been passed, would have fallen to be defrayed by the existing authority on or after that date and before the date on which the moneys to be received in respect of the next subsequent rate or precept would have become available.

**Equalisation
of rates.**

170.—(1) Subject to and in accordance with the following provisions of this section, the council of a metropolitan county with the agreement of the council of every district in the county

may make as respects the whole or any part or parts of the county a scheme or schemes for the purpose of reducing disparities in the rates levied in different rating areas of the county. PART VIII

(2) Any such scheme shall take the form of provision for the making, in the financial year immediately following that in which it is made, of contributions by rating authorities in the county to other such authorities,—

- (a) either directly or through the county council, or
- (b) by means of adjustments by the county council in the amounts for which they precept on each of those rating authorities, or
- (c) by a reallocation between those rating authorities of the amounts payable to them in respect of the needs element of rate support grant,

or by a combination of any two or more of those methods.

(3) At any time before the beginning of the financial year for which it is to have effect, a scheme under this section may be varied by a subsequent scheme under this section.

(4) In Part II of Schedule 1 to the Local Government Act 1966 c. 42. 1966 (the resources element in rate support grants) in paragraph 6 (certain provisions to be discounted in calculating total expenditure of certain local authorities)—

- (a) after the words “in Greater London” there shall be inserted the words “or a metropolitan county”, and
- (b) after the word “1963” there shall be inserted the words “and section 170 of the Local Government Act 1972” and for the word “provides” there shall be substituted the word “provide”.

171.—(1) The rate of interest fixed by subsection (2) below shall be substituted for the rate or, as the case may be, the maximum rate of interest determined by or under the following enactments (which relate among other things to the interest payable to local authorities on certain sums due to them), that is to say—

- the proviso to section 291(3) of the Public Health Act 1936 ; 1936 c. 49.
- section 10(2) of the Coast Protection Act 1949 ; 1949 c. 74.
- section 10(6) of the Housing Act 1957 ; 1957 c. 56.
- sections 181(5), 212 and 264(5) of the Highways Act 1959 ; 1959 c. 25.
- section 6(4) of the Housing Act 1969 ; and 1969 c. 33.
- section 23(5) of the Mines and Quarries (Tips) Act 1969. 1969 c. 10.

(2) The said rate shall be one-quarter per cent. above the relevant rate determined by the Treasury in relation to loans

PART VIII
1968 c. 13.

made for a period of fifteen years under section 3 of the National Loans Act 1968 (local loans by the Loan Commissioners); and in this subsection the "relevant rate" means the rate applying on whichever of the following dates, namely 1st April or 1st October, most closely precedes the date from which interest first becomes payable in relation to the sum in question, or, where more than one rate has been so determined, such one of those rates as the Treasury may from time to time direct either generally or with respect to any particular enactment.

(3) As soon as may be after giving a direction under subsection (2) above the Treasury shall cause it to be published in the London Gazette.

Miscellaneous amendments of enactments relating to finance and rating.

172. Part I of Schedule 13 to this Act shall have effect with respect to the powers of local authorities to borrow and lend money and with respect to their funds, and Part II of that Schedule shall have effect for making amendments and modifications of enactments relating to local government finance and rating which are not replaced by Part I of that Schedule or the foregoing provisions of this Part of this Act.

Allowances to members of local authorities and other bodies

Attendance allowance and financial loss allowance.

173.—(1) Subject to subsection (6) below, any member of a local authority who is a councillor shall be entitled to receive a payment by way of attendance allowance, that is to say, a payment for the performance of any approved duty, being a payment of such reasonable amount, not exceeding the prescribed amount, as the local authority may determine.

(2) The amount prescribed under subsection (1) above may be prescribed by reference to any period of twenty-four hours.

(3) The amount of any allowance determined by a local authority under subsection (1) above may vary according to the time of day and the duration of the duty, but shall be the same for all members of the authority entitled to the allowance in respect of a duty of any description at the same time of day and of the same duration.

(4) Subject to subsection (6) below, any member of a body to which this section applies who is not entitled under subsection (1) above to receive attendance allowance for the performance of an approved duty shall be entitled to receive a payment by way of financial loss allowance, that is to say, a payment not exceeding the prescribed amount in respect of any loss of earnings necessarily suffered, or any additional expenses (other than expenses on account of travelling or subsistence) necessarily suffered or incurred by him for the purpose of enabling him to perform that duty.

(5) At any time before the expiry of the period of four weeks beginning with the day on which this section comes into force

or the day on which he comes into office, whichever is the later, an alderman of a local authority may by notice in writing served on the proper officer of the authority elect to be treated for the purposes of this section as eligible for an attendance allowance instead of a financial loss allowance; and where an alderman has made such an election, then, during the period beginning on the day of the service of the notice and ending when he ceases to be an alderman, he shall be treated for the purposes of this section as though he were a councillor.

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(6) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

174.—(1) Subject to subsections (2) and (3) below, a member of a body to which this section applies shall be entitled to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling (whether inside or outside the United Kingdom) or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body, being payments at rates determined by that body, but not exceeding, in the case of travel for the purpose of an approved duty within the United Kingdom, such rates as may be specified by the Secretary of State.

Travelling allowance and subsistence allowance.

(2) A member of a parish or community council shall not be entitled to any payment under this section in respect of the performance as such a member of an approved duty within the parish or community or, in the case of a parish or community grouped under a common parish or community council, the area of the group.

(3) Without prejudice to subsection (2) above, a member of a body shall not be entitled to a payment under this section by way of subsistence allowance in respect of the performance of an approved duty except in respect of a duty performed at a distance of more than three miles from his usual place of residence.

175.—(1) The following bodies, that is to say—

(a) any local authority;

(b) any other body to which this section applies and which has power by virtue of any enactment to send representatives to any conference or meeting to which this section applies;

Allowances for attending conferences and meetings.

may pay any member of the authority or other body attending any such conference or meeting such allowances in the nature

PART VIII of those payable under sections 173 and 174 above as they think fit, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under section 173 above and, except in the case of a conference or meeting held outside the United Kingdom, specified under section 174 above for the corresponding allowances under those sections.

(2) Where a body mentioned in subsection (1)(b) above has power under any enactment other than this Act or any instrument under such an enactment to pay expenses incurred in attending a conference or meeting to which this section applies, the amount payable under that enactment or instrument shall not exceed the amount which would be payable in respect of the attendance under that subsection.

(3) In relation to a local authority this section applies to a conference or meeting held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.

(4) In relation to any other body to which this section applies this section applies to a conference or meeting convened by one or more such bodies or by an association of such bodies.

Payment of
expenses of
official and
courtesy
visits, etc.

176.—(1) Subject to subsection (2) below, a local authority may—

- (a) defray any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the authority ;
- (b) defray any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the authority and persons representative of or connected with local government or other public services whether inside or outside the United Kingdom and in the supply of information to any such persons.

(2) In the case of a visit within the United Kingdom, the amount defrayed under this section by a local authority in respect of the expenses of any member of the authority in making a visit within the United Kingdom shall not exceed the payments which he would have been entitled to receive by way of

travelling allowance or subsistence allowance under section 174 above if the making of the visit had been an approved duty of that member. PART VIII

177.—(1) Sections 173 to 175 above shall apply to the following bodies— Provisions supplementary to sections 173 to 176.

- (a) all local authorities ;
- (b) river authorities established under the Water Resources Act 1963 ; 1963 c. 38.
- (c) local valuation panels established by schemes for the time being in force for any area for the purposes of section 88 of the General Rate Act 1967 ; 1967 c. 9.
- (d) any joint committee of two or more local authorities, whether appointed or established under Part VI of this Act or any other enactment ;
- (e) any joint board, joint authority or other combined body, all the members of which are representatives of local authorities ; and
- (f) any body prescribed for the purposes of those sections and on which any such body as is mentioned in any of the foregoing paragraphs is represented.

(2) In sections 173, 174 and 176 above the expression “approved duty”, in relation to a member of a body, means any of the following duties, that is to say—

- (a) attendance at a meeting of the body, or of any of its committees or sub-committees ;
- (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees ;
- (c) where, in pursuance of a duty imposed on or a power granted to the body by any enactment or instrument (including a Royal Charter), he has been appointed by or on the nomination of the body to be a member of some other body prescribed for the purposes of this paragraph (whether or not that other body falls within any of paragraphs (b) to (f) of subsection (1) above), the doing of anything as a member of that other body for the purpose of, or in connection with, the discharge of the functions of that other body.

(3) For the purposes of sections 173 to 176 above a member of a committee or sub-committee of a local authority or other body mentioned in subsection (1) above shall be deemed to be a member of that body.

PART VIII

(4) Section 94(5) above shall apply in relation to a member of any body mentioned in subsection (1) above to whom it would not otherwise apply as it applies in relation to a member of a local authority; and no other enactment or instrument shall prevent a member of any such body from taking part in the consideration or determination of any allowance or other payment under any of the provisions of sections 173 to 176 above.

Regulations as to allowances.

178.—(1) The Secretary of State may make regulations as to the manner in which sections 173 to 176 above are to be administered, and in particular, and without prejudice to the generality of the foregoing provision, may make regulations—

- (a) providing for the avoidance of duplication in payments under those sections, or between payments under any of those sections and any other Act, and for the determination of the body or bodies by whom any payments under those sections are to be made, and, where such payments are to be made by more than one body, for the apportionment between those bodies of the sums payable;
- (b) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under those sections;
- (c) providing for the publication by a body to which sections 173 to 175 above apply, in the minutes of that body or otherwise, of details of such payments.

(2) A statutory instrument containing regulations under section 173 or 177 above or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART IX

FUNCTIONS

General

General provision for transfer of functions.

179.—(1) Subsections (2) to (4) below shall have effect for the purpose of adapting the provisions of—

- (a) public general Acts passed before, or during the same session as, this Act; and
- (b) instruments made before the passing of this Act under public general Acts, being instruments of a legislative character and not being instruments in the nature of local enactments;

and, in particular, for the purpose of providing for the exercise of functions conferred by such provisions, but those subsections

shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

PART IX

(2) In any such provision any reference to an administrative county or its council, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified county or council or is to be construed as such, be construed as a reference to a new county or its council, as the case may be.

(3) In any such provision any reference to an urban district (whether as such or as a district or county district) or to the council of such a district, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified district or council or is to be construed as such, be construed as a reference to a new district or its council, as the case may be.

(4) In any such provision any reference to a rural parish (whether as such or as a parish) or the council or meeting of such a parish, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified parish or its council or meeting, be construed—

- (a) as respects England, as a reference to a parish or, as the case may be, its council or meeting; and
- (b) as respects Wales, as a reference to a community or, as the case may be, its council, if any.

The environment

180.—(1) For the purposes of the enactments to which this Public health section applies, the local authority and sanitary authority (whether urban or not) shall—

- (a) for a district, be the district council;
- (b) for a London borough, be the borough council;
- (c) for the City, be the Common Council;
- (d) for the Inner Temple and Middle Temple, be the Sub-Treasurer and the Under Treasurer thereof respectively;

but the foregoing provision shall have effect subject to the other provisions of this Act and, in particular, to Schedule 14 to this Act and, as respects any area in Greater London, to Part I of Schedule 11 to the 1963 Act.

(2) The Public Health Act 1936 shall have effect subject to 1936 c. 49. the amendments and modifications specified in Part I of Schedule 14 to this Act and Part II of that Schedule shall have

PART IX effect for making amendments and modifications to other enactments relating to public health, building control, public parks, lighting and related matters.

(3) This section applies to the following enactments:—

- (a) the Public Health Acts 1875 to 1925 ;
- 1906 c. 14. (b) the Alkali, &c. Works Regulation Act 1906 ;
- 1936 c. 49. (c) the Public Health Act 1936, except so much of it as falls within section 181(1) or (2) below ;
- 1953 c. 26. (d) section 8 of the Local Government (Miscellaneous Provisions) Act 1953 ;
- 1954 c. 70. (e) Part XIII of the Mines and Quarries Act 1954 ;
- (f) the Clean Air Acts 1956 and 1968 ;
- 1960 c. 68. (g) section 1 of the Noise Abatement Act 1960 ;
- 1961 c. 64. (h) the Public Health Act 1961, except so much of it as falls within section 181(2) below ;
- 1968 c. 46. (i) Part III of the Health Services and Public Health Act 1968 ;
- 1969 c. 25. (j) the Public Health (Recurring Nuisances) Act 1969 ; and
- 1970 c. 44. (k) section 6 of the Chronically Sick and Disabled Persons Act 1970.

(4) Expressions used in this section and Schedule 14 to this Act and in the Public Health Act 1936 shall, except so far as the context otherwise requires, have the same meanings respectively in this section and that Schedule as they have in that Act.

Water and sewerage.

181.—(1) For the purposes of the following enactments, that is to say—

- (a) Part IV of the Public Health Act 1936 and Part XII of that Act, so far as relating to the said Part IV ;
- 1944 c. 26. (b) the Rural Water Supplies and Sewerage Act 1944, so far as relating to water ;
- (c) section 12 of the Local Government (Miscellaneous Provisions) Act 1953 ;
- 1958 c. 67. (d) the Water Acts 1945 and 1948 and the Water Act 1958 ;

the local authority shall, for any district, be the district council, and for any London borough, be the borough council.

(2) For the purposes of the following enactments, that is to say—

- (a) sections 14 to 42 of the Public Health Act 1936 and section 90 and Part XII of that Act, so far as relating to those sections ;

- (b) the Public Health (Drainage of Trade Premises) Act 1937; PART IX
1937 c. 40.
- (c) the Rural Water Supplies and Sewerage Act 1944, so far as relating to sewerage and the disposal of sewage; 1944 c. 26.
- (d) section 13 of the Local Government (Miscellaneous Provisions) Act 1953; 1953 c. 26.
- (e) sections 12 to 15 and Part V of, and Schedule 2 to, the Public Health Act 1961; 1961 c. 64.
- the local authority shall for any area outside Greater London be the district council.

(3) Where it appears to the Secretary of State to be expedient for the purposes of securing greater efficiency in the discharge of all or any of the sewerage functions of local authorities within two or more districts outside the sewerage area of the Greater London Council that a joint board should be set up for the discharge of all or any of those functions, but no application is made under section 6 of the Public Health Act 1936, the Secretary of State may make an order constituting a united district consisting of the whole or any parts of those districts and constituting a joint board to discharge those functions consisting of representatives of the local authorities of those districts. 1936 c. 49.

(4) The Secretary of State may make an order under subsection (3) above constituting a united district notwithstanding that there is a joint board discharging sewerage functions for part of that district.

(5) Without prejudice to section 254 below, an order under subsection (3) above may amend or revoke any order under section 6 or 9 of the Public Health Act 1936 or section 26 of or Schedule 6 to the Local Government Act 1958, so far as it relates to a joint board having sewerage functions or the district or functions of such a board. 1958 c. 55.

(6) A statutory instrument containing an order made under subsection (3) above before 1st April 1974 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Where the Secretary of State proposes to make an order under subsection (3) above on or after 1st April 1974 he shall give notice of the order to the local authority of every district which, or any part of which, is proposed to be included in a united district and to any joint board discharging sewerage functions for a united district which, or part of which, is proposed to be so included and if, within twenty-eight days after the notice has been so given, the authority give notice to the Secretary of State that they object to the proposal and the objection is not withdrawn, the order, including any provisions contained in it by virtue of section 254 below, shall be subject

PART IX

to special parliamentary procedure and section 254(9) below shall not apply to the order.

1936 c. 49.

(8) It is hereby declared that section 7 of the Public Health Act 1936 applies to a joint board constituted under subsection (3) above as it applies to any other joint board.

(9) An order under section 6 of the Public Health Act 1936 or under subsection (3) above or an order amending any such order may confer on a joint board constituted for the exercise of sewerage functions any of the sewerage functions of the constituent members and may confer such functions—

(a) subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the discharge of the functions by the constituent member); or

(b) free from any limitation or condition so specified which applies to the discharge of those functions by the constituent member.

(10) Schedule 15 to this Act shall have effect for making amendments and modifications to the enactments relating to water and sewerage.

(11) In this section—

“sewerage functions” means functions under any of the enactments mentioned in subsection (2) above; and

“sewerage area of the Greater London Council” has the same meaning as in Part V of the 1963 Act.

Town and
country
planning.
1971 c. 78.

182.—(1) For section 1(1) and (2) of the Town and Country Planning Act 1971 (local planning authorities for England, elsewhere than Greater London and the Isles of Scilly, and for Wales) there shall be substituted the following subsections—

“(1) Subject to the provisions of this section, the council of a county is the county planning authority for the county, and the council of a district is the district planning authority for the district.

(2) If it appears to the Secretary of State that it is expedient that a joint board should be established as the county planning authority for the areas or parts of the areas of any two or more county councils or as the district planning authority for the areas or parts of the areas of any two or more district councils, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a “joint planning board”) as the county planning authority or the district planning authority, as the case may be, for that united district:

Provided that the Secretary of State shall not make such an order except after holding a local inquiry unless all the

councils concerned have consented to the making of the order. PART IX

(2A) References in this Act to a local planning authority shall, except as respects Greater London and the National Parks, be construed as references to a county planning authority and a district planning authority, and the foregoing provision shall have effect subject to section 183 of and Part I of Schedule 16 to the Local Government Act 1972."

(2) In England (exclusive of Greater London and the Isles of Scilly) and in Wales all functions conferred on local planning authorities by or under the Town and Country Planning Act 1971 shall, subject to subsection (4) and section 183 below and to Part I of Schedule 16 to this Act, be exercisable both by county planning authorities and by district planning authorities. 1971 c. 78.

(3) In that Schedule—

- (a) Part I shall have effect with respect to the exercise by such authorities of functions under that Act and for making minor amendments and modifications of that Act;
- (b) Part II shall have effect with respect to the exercise by such authorities of functions under other enactments relating to town and country planning and for making minor amendments and modifications of such other enactments; and
- (c) Part III shall have effect with respect to arrangements for obtaining advice in connection with certain of those functions.

(4) As respects an area in a National Park all functions conferred by or under the Town and Country Planning Act 1971 on a local planning authority or district planning authority shall, subject to the provisions of subsections (5) and (6) below, be functions of the county planning authority and no other authority, and references in that Act, in its application to a National Park, to a local planning authority or district planning authority shall be construed accordingly.

(5) The functions conferred on a local planning authority by the following provisions of that Act, that is to say, sections 60, 61, 62 and 103 (tree preservation and replacement), and section 65 (waste land) shall, as respects any part of a National Park, be exercisable concurrently with the county planning authority by the district planning authority whose area includes that part of the Park.

(6) Where an order is made under section 7 of the National Parks and Access to the Countryside Act 1949 designating, or 1949 c. 97.

PART IX extending the area of, a National Park, the functions exercisable by a local planning authority immediately before the coming into force of the order for any area which under the order becomes part of the Park shall continue to be exercisable by that authority as respects that area unless and until a joint planning board is constituted under section 1 of the Town and Country Planning Act 1971 or a National Park Committee is appointed under Part I of Schedule 17 to this Act for an area co-terminous with or including that area or, as the case may be, is authorised to exercise those functions.

Discharge of
functions of
planning
authorities.
1971 c. 78.

183.—(1) The functions of a local planning authority under sections 6 to 10 of the Town and Country Planning Act 1971 (surveys and structure plans) shall be exercisable by the county planning authority and references in those sections to a local planning authority shall be construed accordingly.

(2) Immediately before section 11 of that Act there shall be inserted the following section—

“ Develop-
ment plan
schemes.

10C.—(1) The functions of a local planning authority of preparing local plans under section 11 of this Act shall, subject to the following provisions of this section, be exercisable by the district planning authority.

(2) Subject to regulations under this section, it shall be the duty of the county planning authority in consultation with the district planning authorities to make, and thereafter to keep under review and amend, if they think fit, a scheme (to be known as a development plan scheme) for the preparation of local plans for those areas in the county in which sections 11 to 15 of this Act are in force, except any part of the county included in a National Park, and—

(a) the scheme shall designate the local planning authority or authorities (whether county or district) by whom local plans are to be prepared for any such area and provide for the exercise of all functions of a local planning authority under those sections in relation to any such plan exclusively by the authority designated in relation to that plan ; and

(b) references in those sections to a local planning authority shall be construed accordingly.

(3) A development plan scheme may include such incidental, consequential, transitional or supplementary provision as may appear to the county planning authority to be necessary or proper for the purposes

or in consequence of the provisions of the scheme and for giving full effect thereto, and, without prejudice to the foregoing provision, shall—

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- (a) specify the title and nature of each local plan for the area in question and the part or parts of the area to which it is to apply and give an indication of its scope;
- (b) set out a programme for the preparation of the several local plans for that area; and
- (c) where appropriate indicate the relationship between the several local plans for that area, specifying those which should be prepared concurrently with the structure plan for that area.

(4) As soon as practicable after making or amending a development plan scheme the county planning authority shall send a copy of the scheme or the scheme as amended, as the case may be, to the Secretary of State.

(5) A structure plan prepared by a county planning authority may provide, to the extent that provision to the contrary is not made by a development plan scheme, for the preparation of local plans exclusively by the county planning authority and, where it so provides, shall also provide for the exercise exclusively by that authority of all other functions of a local planning authority under sections 11 to 15 of this Act, and any provision included in a structure plan by virtue of this subsection shall be treated for the purposes of the other provisions of this section as if it were contained in a development plan scheme.

(6) The Secretary of State may direct a county planning authority after consultation with the district planning authorities—

- (a) to prepare a development plan scheme before a date specified in the direction; and
- (b) where it appears to the Secretary of State that any such scheme should be amended, to amend it in terms so specified before a date so specified.

(7) Where a district planning authority make representations to the Secretary of State that they are dissatisfied with the proposals of the county planning authority for a development plan scheme, or a county planning authority fail to comply with a direction under subsection (6) of this section to make or amend such a scheme, the Secretary of State may

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himself make or, as the case may be, amend the scheme; and any scheme or amendment so made shall have effect as if made by the county planning authority.

(8) The Secretary of State may make regulations—

- (a) providing for the content of such schemes;
- (b) requiring or authorising county planning authorities to take prescribed procedural steps in connection with the preparation of such schemes.”

1971 c. 78.

(3) A county planning authority may exercise their power under section 10C of the Town and Country Planning Act 1971 of making a development plan scheme before 1st April 1974 and shall do so if so directed by the Secretary of State under subsection (6) of that section, and accordingly he may before that date exercise his power of giving directions under subsection (6), and of making regulations under subsection (8), of that section, but any scheme made before that date by virtue of this subsection shall not come into operation until that date.

National
Park and
countryside
functions.
1949 c. 97.
1968 c. 41.

184.—(1) The functions conferred on a local planning authority by or under the National Parks and Access to the Countryside Act 1949 and the Countryside Act 1968 shall, as respects England elsewhere than Greater London and the Isles of Scilly and as respects Wales, be exercisable in accordance with the following provisions of this section.

(2) The following of the said functions, that is to say those conferred by—

- (a) Part II and sections 61, 62, 63, 78, 90(5), 92 (so far as relating to parking places in a National Park), 99(3) and 101(3) of the said Act of 1949; and
- (b) sections 12(5), 13 and 14 of the said Act of 1968;

shall, subject to subsection (3) below and Schedule 17 to this Act, be functions of the county planning authority.

(3) The functions of a local planning authority under sections 9 and 11 of the said Act of 1949 shall as respects any area outside a National Park be exercisable both by county planning authorities and district planning authorities.

(4) All other functions conferred by or under any other provision of the said Acts of 1949 and 1968 on a local planning authority shall, subject to Schedule 17 of this Act, be exercisable both by county planning authorities and district planning authorities.

(5) References in the said Acts of 1949 and 1968 to a local planning authority shall be construed accordingly.

(6) Part I of Schedule 17 to this Act shall have effect instead of section 8 of the said Act of 1949 (which, as amended by Schedule 4 to the said Act of 1968, provides for the administration of local authorities' planning and countryside functions in National Parks).

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(7) Sections 27 to 38 of the said Act of 1949 and Parts II to IV of Schedule 3 to the said Act of 1968 (survey of public paths, etc.) shall have effect subject to the modifications specified in Part II of the said Schedule 17 and those Acts shall have effect subject to the further modifications specified in Part III of that Schedule.

(8) In that Schedule "the 1949 Act" and "the 1968 Act" mean the said Acts of 1949 and 1968 respectively.

185.—(1) In the Town Development Act 1952 (in this section referred to as "the principal Act") in section 1(1) (which defines the term "town development" as applying to development in a county district, the provision of which will relieve congestion or over-population elsewhere) for the word "elsewhere" there shall be substituted the words "outside the county comprising the district or districts in which the development is carried out". Town development.
1952 c. 54.

(2) The council of a county shall have the same powers as the council of a district under the following provisions of the principal Act—

- (a) section 4 (contributions to council of receiving district);
- (b) section 8 (participation by agreement in provision of accommodation, etc.); and
- (c) section 10(3) (contributions to expenses of authority participating in development).

(3) So much of sections 5 (exercise of a local authority's power for the benefit of other areas) and 10(3) (contributions to participating authority's expenses) of the principal Act as requires the prior authority or approval of the Secretary of State to action by a local authority shall cease to have effect and section 12 of that Act (establishment of joint bodies by the Secretary of State and participation by them) shall also cease to have effect.

(4) The principal Act shall have effect subject to the amendments specified in Schedule 18 to this Act, being—

- (a) amendments consequential on this Part of this Act, and
- (b) amendments incorporating provisions of section 34 of the Housing Act 1961 and subsections (1) and (2) of section 61 of the London Government Act 1963 (modification of principal Act in relation to counties and to Greater London). 1961 c. 65.
1963 c. 33.

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(5) Notwithstanding anything in subsection (1) above, any development carried out after the date on which that subsection comes into force as part of a scheme begun before that date, being a scheme of town development within the meaning of the principal Act as then in force, shall be treated as town development for the purposes of that Act.

Traffic and
transportation
functions.
1972 c. 20.
1967 c. 76.

186.—(1) The Road Traffic Act 1972 shall have effect subject to the amendments specified in Part I of Schedule 19 to this Act and the Road Traffic Regulation Act 1967 shall have effect subject to the amendments specified in Part II of that Schedule, being—

- (a) amendments conferring on the councils of counties, and in certain cases also on the councils of districts, functions previously exercised outside Greater London by the councils of county boroughs (together with other local authorities),
- (b) amendments extending the powers of parish and community councils in relation to parking places so as to empower them to provide, maintain, and regulate the use of off-street parking places for all classes of vehicles, as well as parking places for bicycles and motor cycles, and
- (c) minor amendments and other amendments consequential on the establishment of new local authorities by or under this Act and on the provisions of this Act relating to highways.

1967 c. 69. (2) For the purposes of the provisions of Part III of the Civic Amenities Act 1967 relating to the disposal of abandoned vehicles, the functions of a local authority shall be exercisable in Wales by district councils and in England, outside Greater London,—

- (a) so far as those functions relate to the removal of vehicles, by district councils, and
- (b) so far as they relate to the disposal of vehicles, by county councils ;

and accordingly the said Part III shall have effect subject to the amendments in Part III of Schedule 19 to this Act.

1960 c. 16. (3) In section 149 of the Road Traffic Act 1960 (power of Secretary of State, on application of certain local authorities and other persons, to modify restrictions on use of roads by public service vehicles) for the words “county borough or county district”, in each place where they occur, there shall be substituted the words “county or district”.

1969 c. 27. (4) In section 2(5) of the Vehicle and Driving Licences Act 1969 (certain local authorities enabled to exercise, on behalf

of the Secretary of State, functions transferred to him under that Act) after the word "authority", in the first two places where it occurs, there shall be inserted the words "or district council".

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(5) In the Public Service Vehicles (Travel Concessions) Act 1955 c. 26. 1955—

(a) in section 1(5) (transfer from general rate fund to credit of transport undertaking of sums representing cost of concessions), and

(b) in section 3, in the definition of "local authority",

for the words "county borough or county district", in each place where they occur, there shall be substituted the word "district".

(6) So much of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking shall cease to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in subsection (1)(c) of that section—

1954 c. 64.

(a) may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate; and

(b) may, if they think fit, determine that any such charges shall no longer be made;

and so much of section 1(2) of the Ferries (Acquisition by Local Authorities) Act 1919 as requires the approval of the Secretary of State to any scale of tolls fixed by a local authority or to a determination by a local authority to free a ferry from tolls shall cease to have effect.

1919 c. 75.

(7) In subsection (6) above, "local authority" includes any existing county borough or county district council and the Common Council.

187.—(1) For the purposes of the Highways Acts 1959 to 1971 the local highway authority for highways outside Greater London shall be the county council.

Local highway authorities and maintenance powers of district councils.

(2) Without prejudice to subsection (1) above, but subject to the provisions of Part I of Schedule 20 to this Act, in relation to the following highways, so far as within their district, namely,

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footpaths, bridleways and urban roads which are neither trunk roads nor classified roads, a district council—

- (a) shall have power to undertake the maintenance of highways maintainable at the public expense, and
- (b) shall have the like powers, in relation to highways not so maintainable, as a parish council under section 53 of the Highways Act 1959 (maintenance of privately maintainable footpaths and bridleways) and as a street works authority under section 47 of the Public Health Act 1961 (urgent repairs to private streets).

1959 c. 25.

1961 c. 64.

(3) With respect to footpaths and bridleways within their area a district council shall have—

- (a) the like powers as a highway authority under section 57(3) of the National Parks and Access to the Countryside Act 1949 (prosecution of offences of displaying on footpaths notices deterring public use), and
- (b) the like powers as a parish council under section 119(5A) (prosecution of offences relating to ploughing-up) of the Highways Act 1959.

1949 c. 97.

(4) In the case of a highway which is for the time being maintained by a district council by virtue of subsection (2)(a) above, the county council who are the highway authority for the highway shall reimburse to the district council any expenses incurred by them in carrying out on the highway works of maintenance necessary to secure that the duty to maintain the highway (which, by section 44(1) of the Highways Act 1959, is imposed on the highway authority) is performed.

(5) The provisions of Part II of Schedule 20 to this Act shall have effect for the purposes of subsection (4) above.

(6) Where any functions have been delegated by the Secretary of State to a county council under subsection (1) of section 10 of the Highways Act 1959 (maintenance and improvement of trunk roads, etc.) or the Secretary of State has entered into an agreement with a county council under subsection (4) of that section (construction of trunk roads, etc.) the county council may, with the consent of the Secretary of State, enter into arrangements with the council of a district for the carrying out by the district council, in accordance with the arrangements, of such of the delegated functions or, as the case may be, of the functions to which the agreement relates as may be specified in the arrangements; but no such arrangements shall provide for a district council to carry out any functions with respect to a trunk road or other land outside their district except with the consent of the council of the district in which the road or other land is situated.

(7) The Secretary of State may by regulations empower district councils, in relation to highways in respect of which their powers of maintenance under subsection (2) above are exercisable, to exercise subject to such terms and conditions as may be specified in the regulations such additional powers as appear to him—

- (a) to be appropriate to supplement powers of maintenance ;
and
- (b) to correspond to powers exercisable in relation to highways by highway authorities ;

and accordingly in this section (other than this subsection), in Schedule 20 to this Act and in any other enactment referring to the powers of district councils under subsection (2) above, the expressions “ maintenance ” and “ maintain ”, where used with respect to the powers of district councils under subsection (2) above, shall be construed as extending to the carrying out of operations in the exercise of powers conferred on district councils by regulations under this subsection ; and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Subject to subsection (7) above expressions used in this section and in Schedule 20 to this Act have the same meanings as in the Highways Act 1959, and for the purposes of subsection (2) above and of that Schedule “ urban roads ” means roads which—

- (a) are restricted roads for the purposes of section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit), or
- (b) are subject to an order under section 74 of that Act imposing a speed limit not exceeding 40 m.p.h., or
- (c) are otherwise streets in an urban area.

188.—(1) Sections 74 and 75 of the Highways Act 1959 (control by existing local authorities, other than certain rural district councils, of rebuilding and construction of buildings by reference to building lines) shall cease to have effect. Amendments
of Highway
Acts.

(2) The duty of protecting the rights of the public to the use and enjoyment of highways (which, under section 116 of the Highways Act 1959, lies with the councils of existing county districts) shall vest in the highway authority.

(3) The power of the council of a county, borough or urban district to make byelaws under section 133 of the Highways Act 1959 (prohibition of gates opening outwards on highways) and any byelaws in force immediately before 1st April 1974 under

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1878 c. 77.

that section or (in a county borough or rural district) under section 26(4) of the Highways and Locomotives (Amendment) Act 1878 shall cease to have effect.

1959 c. 25.

(4) Outside Greater London, the functions of existing local authorities under Part VIII of the Highways Act 1959 (new streets) shall be exercisable by county councils.

(5) Outside Greater London the county council shall be the street works authority for the purposes of Part IX of the Highways Act 1959, and there shall cease to have effect—

(a) sections 189 to 191 of that Act (the Code of 1875);
and

(b) any provision contained in a local Act and regulating the procedure relating to the execution of street works and payments in respect thereof.

1971 c. 41.

(6) The power of a local highway authority to enter into any such agreement as is specified in subsection (1) of section 18 of the Highways Act 1971 (agreements for the provision of walkways) shall be exercisable only after consultation with the council of any district in which the land concerned is situated; and after consultation with the local highway authority the council of a district, either alone or jointly with the local highway authority, may also enter into any such agreement but, in relation to an agreement entered into by a district council,—

(a) unless the local highway authority are also a party to the agreement, subsections (2) (contents of the agreement) and (5) to (7) (byelaws regulating walkways) of that section shall have effect in relation to the agreement with the substitution of references to the district council for references to the local highway authority; and

(b) if the local highway authority are also a party to the agreement, the references in subsection (2) of that section to the local highway authority shall be construed as including references to the district council, and any byelaws made under subsection (5) of that section shall be made by the local highway authority after consultation with the district council, and in exercising his power of confirmation the Secretary of State shall have regard to any dispute between the authority and the district council.

(7) In consequence of the preceding provisions of this section and of section 187 above and of the establishment of new local authorities by or under this Act there shall have effect—

(a) the amendments of the Highways Act 1959 specified in Part I of Schedule 21 to this Act, and

(b) the amendments of the other enactments specified in Part II of that Schedule. PART IX

(8) Expressions used in this section have the same meanings as in the Highways Act 1959. 1959 c. 25.

189.—(1) Without prejudice to the making of any new Commons. agreement under section 2(2) of the Commons Registration Act 1965 (agreement for one local authority to be registration authority for land which spans the boundaries of two or more authorities) any agreement under that section which is in force immediately before 1st April 1974 shall cease to have effect on that day. 1965 c. 64.

(2) For subsection (5) of section 8 of the Commons Registration Act 1965 (council in which unclaimed land is to be vested) there shall be substituted the following subsections:—

“(5) Subject to subsection (6) of this section, the local authority in which any land is to be vested under this section is—

(a) if the land is in a parish or community where there is a parish or community council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act are, in accordance with arrangements under Part VI of the Local Government Act 1972, being exercised by the parish or community council; 1899 c. 30.

(b) if the land is in a London borough, the council of that borough; and

(c) in any other case, the council of the district in which the land is situated.

(6) Where—

(a) any land has been vested in a district council in accordance with subsection (5)(c) of this section, and

(b) after the land has been so vested a parish or community council comes into being for the parish or community in which the land is situated (whether by the establishment of a new council or by adding that parish or community to a group of parishes or communities for which a council has already been established),

then, if the circumstances are such that, had the direction under subsection (3) of this section been given at a time after the parish or community council had come into being, the land would in accordance with subsection (5)(a) of this section have been vested in the parish or community council,

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the district council shall, if requested to do so by the parish or community council, direct the registration authority to register the parish or community council, in place of the district council, as the owner of the land; and the registration authority shall comply with any such direction.

(7) The council of any district, parish or community affected by any registration made in pursuance of subsection (6) above shall pay to the other of those councils so affected such sum, if any, as may be agreed between them to be appropriate to take account of any sums received or to be received, or any expenditure incurred or to be incurred, in respect of the land concerned, and, in default of agreement, the question of what sum, if any, is appropriate for that purpose shall be determined by arbitration."

1857 c. 31. (3) The references in section 12 of the Inclosure Act 1857 (prevention of nuisances in town and village greens, etc.) to a churchwarden or overseer of the parish in which the town or village green or land is situated shall be construed—

(a) with respect to a green or land in a parish, as references to the parish council, or, where there is no parish council, the parish meeting;

(b) with respect to a green or land in a community where there is a community council, as references to the community council;

(c) with respect to any other green or land, as references to the council of the district in which the green or land is situated;

and where those references fall to be construed in accordance with paragraph (c) above, the reference in the said section 12 to highways in the parish shall be construed as a reference to highways in the district.

1925 c. 20. (4) In section 193(1) of the Law of Property Act 1925 (right of the public over certain commons, including those situated within a borough or urban district) after the words "situated within" there shall be inserted the words "an area which immediately before 1st April 1974 was".

Sites for
gipsy
encampments.
1968 c. 52.

190.—(1) In section 6 of the Caravan Sites Act 1968, in subsection (1) (duty of local authorities to provide sites for gipsies) the words "county borough" shall be omitted and in subsection (2) of that section (modifications in relation to county boroughs and London boroughs), for the words "county borough" in the first place where they occur, there shall be substituted the words "metropolitan county" and after the words "at a time" there shall be inserted the words "in each district in the county or, as the case may be, in the London borough" and for the words

from "exempting" to the end of the subsection there shall be substituted the words "exempting any such council from the duty imposed by that subsection with respect to any metropolitan district or London borough in the case of which he is satisfied, after such inquiries as appear to him to be appropriate, that suitable land within the district or borough is not available".

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(2) Nothing in section 6 of the Caravan Sites Act 1968 shall require the council of a county to provide accommodation for gipsies as mentioned in subsection (1) of that section in any area which, by virtue of directions given before 1st April 1974 under subsection (2) of that section, was, immediately before that date, exempt from the duty imposed by subsection (1) of that section; and any reference in subsection (2) of that section, as amended by subsection (1) above, to a metropolitan district shall be construed as a reference to such a district exclusive of any such area. 1968 c. 52.

(3) In section 12 of the Caravan Sites Act 1968 (designation of areas in which unauthorised camping is prohibited) in subsection (1) the words "a county borough" shall be omitted, and in relation to a county which includes an area which, before 1st April 1974, was designated under that subsection, the reference in that subsection to the area of the county shall be construed as a reference to the county exclusive of any such previously designated area.

(4) On an application made before 1st April 1974 by the council of an existing county or county borough, the Secretary of State may, by an order made under and in accordance with section 12 of the Caravan Sites Act 1968, designate as an area to which section 10 of that Act applies so much of a new county as comprises the whole or any part of the existing county or county borough.

191.—(1) In its application outside Greater London, the Ordnance Survey Act 1841 (in this section referred to as "the survey. 1841 Act") shall have effect subject to the following modifications. 1841 c. 30.

(2) An application under section 1 of the 1841 Act shall be sent to the proper officer of either a county council or a district council and, where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the council to whose proper officer the application was sent.

(3) The newspapers in which copies of an application under section 1 of the 1841 Act are to be inserted shall be those circulating in the area of the council to whose proper officer the application was sent.

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(4) References, in whatever terms, in the 1841 Act—

(a) to the justices by whom a person is appointed under section 1 of that Act shall be construed as references to the county council or the district council, as the case may require, and

(b) to the clerk of the peace for a county shall be construed as references to the proper officer of the county council or the district council as the case may require.

(5) Without prejudice to section 15 of the 1841 Act (which among other things extends the meaning of the word “county” in that Act) references in that Act to a county include references to any local government area within the meaning of this Act.

Education, social and welfare services

Education. **192.**—(1) The local education authority for each non-metropolitan county shall be the council of the county and the local education authority for each metropolitan district shall be the council of the district.

1944 c. 31. (2) No scheme of divisional administration shall be made under Part III of Schedule 1 to the Education Act 1944 and that Part of that Schedule shall cease to have effect.

1958 c. 55. (3) Section 52 of the Local Government Act 1958 shall cease to have effect on the passing of this Act.

(4) For the definition of “minor authority” in section 114(1) of the Education Act 1944 there shall be substituted the following definition:—

“‘minor authority’ means, in relation to a school maintained by a local education authority,—

(a) where the area which appears to the local education authority to be served by the school is a parish or community, the parish or community council or, in the case of a parish which has no council, the parish meeting;

(b) where the said area is a community having no community council or is an area in England which is not within a parish and is not situated in a metropolitan county, the council of the district for the area concerned;

(c) where the said area comprises two or more of the following, a parish, a community or an area in England which is not within a parish and is not situated in a metropolitan county—

(i) the parish or community council or councils, if any;

(ii) in the case of a parish which has no council, the parish meeting;

(iii) in the case of an area which is a community having no community council or which is in England and is not within a parish, the council of the district concerned ; acting jointly.”

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(5) Subject to subsection (6) below any instrument made by an existing local education authority for an area outside Greater London in connection with the discharge of any of their functions, and any other thing done by or to or in relation to such an authority in connection therewith, shall be treated as having been made by, or done by or to or in relation to, the new local education authority to whom those functions are transferred by or by virtue of this Act, and any instrument relating to the exercise of those functions, or to things done in their exercise or property held or maintained for the purposes of those functions shall, so far as it so relates, have effect as if any reference to a specified existing local education authority for an area outside Greater London by whom those functions were exercisable or to the area of such an authority were a reference to the new local education authority to whom those functions are so transferred or to so much of the area of the new authority as includes the area of the existing authority, as the case may be.

(6) Subsection (5) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

193.—(1) Subject to the provisions of this and the next Housing. following section, the council of a district shall be the local authority with respect to the district for the purposes of the Housing Acts 1957 to 1971.

(2) Before the council of a district exercise outside the district any power under Part V of the Housing Act 1957 1957 c. 56. (provision of housing accommodation), the council shall give notice of their intention to do so to the council of the county in which the district is situated and also, if they propose to exercise the power outside that county, to the council of the county in which they propose to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.

(3) The enactments relating to housing specified in Schedule 22 to this Act shall be amended in accordance with the provisions of that Schedule.

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Reserve
powers of
county
councils in
relation to
housing.

194.—(1) Without prejudice to the functions of district councils in relation to housing, the councils of counties shall have the reserve powers conferred on them by this section.

(2) If requested to do so by the council of a district, or by the councils of two or more districts, within the county, the council of a county may, with the consent of the Secretary of State, undertake on behalf of the district council or councils the provision of housing accommodation in any manner in which the district council or councils might do so.

(3) With the approval of the Secretary of State given on an application in that behalf made by the council of a county, the council may undertake the provision of housing accommodation in any manner in which the council of a district within the county might do so.

(4) The Secretary of State shall not give his consent under subsection (2) above or his approval under subsection (3) above except after consultation with those district councils who appear to him to be concerned, and any such consent or approval may be made subject to such conditions and restrictions as he may from time to time specify and, in particular, may include conditions with respect to the transfer of the ownership and management of any housing accommodation provided by the county council to the council of the district in which the accommodation is situated and with respect to the recovery by the county council from district councils of expenditure incurred by the county council in providing accommodation.

1957 c. 56. (5) Before the council of a county, by virtue of subsection (2) or subsection (3) above, exercise outside the county any power under Part V of the Housing Act 1957 (provision of housing accommodation) the council shall give notice to the council of the county in which they propose to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.

(6) The council of a county may undertake any activity for the purposes of or incidental to establishing the needs of the whole or any part of the county with respect to the provision of housing accommodation.

Social services
functions.
1970 c. 42.

195.—(1) Outside Greater London, the local authorities for the purposes of the Local Authority Social Services Act 1970 (in this section referred to as “the Act of 1970”) shall be the councils of non-metropolitan counties and the councils of metropolitan districts; and accordingly in section 1 of that Act for the words “counties, county boroughs” there shall be substituted the words “non-metropolitan counties, metropolitan districts”.

(2) In a non-metropolitan county each district council and the county council shall from time to time consult together with respect to the nature and extent of the accommodation needed for people who by reason of infirmity or disability (whether arising from age or otherwise) are in need of accommodation of a special character.

(3) The following proposals and schemes, so far as in force immediately before 1st April 1974, that is to say,—

(a) proposals approved under section 20 of the National Health Service Act 1946 relating to the duties of local health authorities under section 22 of that Act (care of mothers and young children) or under section 12 of the Health Services and Public Health Act 1968 (prophylaxis, care and after-care), and

(b) schemes approved under section 34 of the National Assistance Act 1948 (relating to the provision of accommodation, the welfare of handicapped persons and the employment of disabled persons),

shall cease to have effect; and the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act may, with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for carrying out the functions to which those proposals and schemes formerly related.

(4) Any delegation scheme under section 46 of the Local Government Act 1958 (relating to health and welfare functions) which is in force immediately before 1st April 1974 shall cease to have effect.

(5) Any scheme or regional plan made by a childrens' regional planning committee under the Children and Young Persons Act 1969 and in force immediately before 1st April 1974 shall, subject to the provisions of that Act, continue in force with such modifications as may be necessary to take account of the replacement of the existing local authorities by the new authorities.

(6) The enactments specified in Schedule 23 to this Act, being enactments conferring social services functions on local authorities in varying capacities, shall have effect subject to the amendments specified in that Schedule, being amendments designed—

(a) to vest those functions in the local authorities who, by virtue of section 1 of the Act of 1970, as amended by subsection (1) above, are the local authorities for the purposes of that Act; and

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(b) to give effect to subsection (3) above, as it affects those authorities.

Miscellaneous functions

Police.
1964 c. 48

196.—(1) The Police Act 1964 shall be amended in accordance with the following provisions of this section.

(2) For section 2(6) of that Act there shall be substituted the following subsection:—

“(6) Section 102(5) of the Local Government Act 1972 shall apply to a committee appointed under this section as it applies to a committee appointed under that section.”

(3) In subsection (3) of section 8 of the said Act of 1964 (audit of accounts of police authorities) for the words from “and the accounts” to the end of the subsection there shall be substituted the words “shall be treated for the purposes of Part VIII of the Local Government Act 1972 as though it were included among the accounts of the council of that county, and the accounts of every combined police authority shall be audited in such manner as may be prescribed by the amalgamation scheme, and for that purpose an amalgamation scheme may apply, in relation to the accounts of the combined police authority, all or any of the provisions of the said Part VIII relating to accounts and audit, subject to such adaptations and modifications as may be prescribed by the amalgamation scheme.”

(4) Section 9 of the said Act of 1964 (acquisition of land for police purposes) shall be amended as follows:—

(a) in subsection (1), for the words from “section 176” onwards there shall be substituted the words “subsections (3) and (4) of section 120 of the Local Government Act 1972 shall apply to the acquisition of land under this subsection as they apply to the acquisition of land under that section”;

(b) at the end of subsection (2) there shall be added the words “and subsection (3) of section 121 of the Local Government Act 1972 shall apply in relation to a proposal to acquire any land in exercise of the power conferred by this subsection as it applies in relation to a proposal to acquire land in exercise of the power conferred by subsection (1) of that section”.

(5) For section 19(3) of the said Act of 1964 (powers of special constables outside their area) there shall be substituted the following subsection:—

“(3) Without prejudice to subsection (2) above, a special constable appointed for any police area shall have

all the powers and privileges of a constable—

- (a) in the case of a police area other than the City of London, in any other police area which is contiguous to his own police area ;
- (b) in the case of the City of London, in the metropolitan police district and in any area which is contiguous to that district.”

(6) For section 23(1) of the said Act of 1964 there shall be substituted the following subsections—

“ (1) An amalgamation scheme may be approved or made under this Act—

- (a) with respect to two or more counties established by the Local Government Act 1972 ;
- (b) with respect to two or more counties proposed to be constituted, or the areas of which are proposed to be altered, by an order under Part IV of the Local Government Act 1972 ;

and subject to subsection (1A) below may be so approved or made before the relevant date.

(1A) A scheme under this section shall not come into force before the relevant date, except so far as it relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on that date.

(1B) In subsections (1) and (1A) above “ the relevant date ” means in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of the said subsection (1), 1st April 1974, and in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of that subsection, the date on which the order mentioned in that paragraph comes into force.”

(7) In relation to an amalgamation scheme under section 23(1)(a) of the said Act of 1964, section 23(2) of that Act (modifications of provisions of that Act in relation to amalgamation schemes) shall have effect as if in paragraph (c)(i) for the reference to the police authority for any county there were substituted references both to the police authority for any police area existing immediately before 1st April 1974 and wholly or partly to be included in the new county and references to the council of the new county.

(8) For section 23(3) of the said Act of 1964 there shall be substituted the following subsection :—

“ (3) In the case of an amalgamation scheme to be approved or made by virtue of this section with respect to any county, any steps required by this Part of this Act to be taken before the amalgamation scheme is approved

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or made may be taken at any time after a report on a review affecting that county, together with any proposals formulated thereon, has been submitted to the Secretary of State under sections 51(1), 58(1) and 62(5) of the Local Government Act 1972, and the Secretary of State has notified the county councils concerned of the general nature of the order which he intends to make to give effect to those proposals.”

(9) Schedule 3 to the said Act of 1964 (procedure for compulsory amalgamation schemes) shall not apply to an amalgamation scheme made by the Secretary of State under section 21(2) of that Act before 1st April 1974.

Fire services.
1947 c. 41.

197.—(1) The proviso to section 6(1) of the Fire Services Act 1947 (obligation of Secretary of State to obtain consent of county council to a combination scheme made by him where population of the county exceeds 100,000) shall cease to have effect.

(2) A combination scheme may be made under section 5 of the said Act of 1947 before 1st April 1974 with respect to two or more new counties, but except so far as it relates to the constitution of an authority as the fire authority for the combined area and to the performance by that authority of their functions under subsection (3) below or any functions necessary for bringing the scheme into full operation on that date, the scheme shall not come into force before that date.

(3) Not later than the 1st January 1974 every council of a new county or every new fire authority established for a combined area by any such scheme which will not come into full operation until 1st April 1974 shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for the county or combined area under section 19 of the said Act of 1947 to come into force on 1st April 1974, and the Secretary of State shall, not later than 15th March 1974, approve that scheme either as submitted or subject to such modifications as he may direct.

(4) In subsection (5) of section 8 of the Fire Services Act 1947 (audit of accounts of combined fire authorities) for the words from “subject to audit” to the end of the subsection there shall be substituted the words “audited in such manner as may be prescribed by the combination scheme, and for that purpose a combination scheme may apply, in relation to the accounts of the fire authority constituted by it, all or any of the provisions of Part VIII of the Local Government Act 1972 relating to accounts and audit, subject to such adaptations and modifications as may be prescribed by the scheme”.

1947 c. 41.
1958 c. 55.

(5) In section 10 of the Fire Services Act 1947, as amended by Schedule 8 to the Local Government Act 1958 (power to

make schemes in advance of alterations of local government areas) for the words from the beginning to "combined authorities" there shall be substituted the words "If an order is made under Part IV of the Local Government Act 1972 constituting any area as a new county or altering the area of a county", and for the words "the new county or county borough" there shall be substituted the words "the new or altered county".

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198.—(1) The provisions of this section shall have effect in place of the provisions of sections 83 and 84 of the Food and Drugs Act 1955 (food and drugs authorities for the purposes of that Act) and accordingly any reference in the following provisions of this section to a food and drugs authority is a reference to a food and drugs authority for the purposes of that Act. Food and drugs authorities. 1955 c. 16. (4 & 5 Eliz. 2.)

(2) The food and drugs authority shall be—

(a) in England, for each county and London borough, the council of that county or borough, and for the City and the Temples, the Common Council;

(b) in Wales, for each district within a county for which the district council is not, by virtue of subsection (3) below, the food and drugs authority, the county council, and for any other district, the district council;

and accordingly, in the definition of "food and drugs authority" in section 135(1) of the Food and Drugs Act 1955 and section 132(1) of the Medicines Act 1968 (which refers to the definition in the said Act of 1955) for the words from "section" to the end of the definition there shall be substituted the words "section 198 of the Local Government Act 1972". 1968 c. 67.

(3) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may, at any time before 1st April 1974, make an order constituting the council of a district in Wales a food and drugs authority as from that date; and any such order may be revoked, at any time after that date, by a further order made under this subsection.

(4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution by either House of Parliament.

(5) In any case where, by virtue of an order under subsection (3) above, a district council in Wales cease to be a food and drugs authority, anything done before the date on which the order takes effect by, to or before the district council shall have effect for the purposes of the Food and Drugs Act 1955 as if done by, to or before the county council who on that date become the food and drugs authority for the district concerned; and any proceedings under that Act which on that date were pending by or against the district council as food and drugs

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Amendments
of Food and
Drugs Act
1955 and
related local
Acts.

1955 c. 16.
(4 & 5 Eliz. 2).

199.—(1) In the Food and Drugs Act 1955 (in this section referred to as “the Act of 1955”) in section 23(1) (prevention of spread of disease by ice cream) for the words “medical officer of health of” there shall be substituted the words “local authority for”.

(2) In section 35(2)(b) of the Act of 1955 (authority responsible for granting certain licences in respect of milk) after the words “county councils” there shall be inserted the words “food and drugs authorities”.

(3) In section 49(1) of the Act of 1955 (establishment or acquisition of markets by local authorities) for the words from “borough” to “rural district” there shall be substituted the word “district”.

(4) So much of sections 51 and 52 of the Act of 1955 and of any local Act applying to an area in England and Wales as confers functions on the Secretary of State with respect to the fixing of market days and hours or the determination of stallages, tolls and other charges for the purposes of markets shall cease to have effect; and accordingly, in subsection (2) of the said section 52, for the words from “charges not exceeding” to the end of the subsection there shall be substituted the words “such charges as the authority may from time to time determine”.

(5) In section 85 of the Act of 1955 (local authorities for the purposes of that Act) for paragraph (d) there shall be substituted the following paragraph:—

“ (d) as respects any district or London borough, the council of the district or borough ”.

(6) In section 86 of the Act of 1955 (meaning of “authorised officer”) subsections (2) and (3) and paragraphs (a) to (c) of subsection (4) shall cease to have effect.

(7) In section 89 of the Act of 1955, subsection (3) (approval of Minister of Agriculture, Fisheries and Food required for appointment, etc. of a public analyst) shall cease to have effect.

(8) For subsection (2) of section 109 of the Act of 1955 (local authorities empowered to institute certain proceedings) there shall be substituted the following subsection:—

“ (2) Subject to the next following subsection, a food and drugs authority or a local authority may institute proceedings under any section of, or any regulations made under, this Act if, and only if, they are the authority charged with the execution and enforcement thereof, except that a local authority may institute proceedings under section 2 of this Act if the offence alleged relates to food which is alleged to contain some extraneous matter.”

(9) In Schedule 6 to the Act of 1955 (provisions to be enforced by particular authorities) at the end of paragraph (b) of the entries in the second column relating to food and drugs authorities there shall be inserted the words "and regulations under section 33"; and both columns of the entry beginning "Councils of counties" shall be omitted.

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200.—(1) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order conferring on the council of a district in Wales, with respect to the district, the functions which, apart from the order, would be exercisable by the county council under sections 4 and 5 of the Agricultural Produce (Grading and Marking) Act 1928 (cold and chemical storage of eggs in registered premises).

Power to confer on district councils in Wales certain functions relating to agriculture.

(2) The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 67 of the Agriculture Act 1970 (enforcement of provisions of that Act relating to fertilisers and feeding stuffs).

1928 c. 19.

1970 c. 40.

(3) The Minister of Agriculture, Fisheries and Food may make an order imposing on the council of a district in Wales, with respect to the district, the duty which, apart from the order, would be imposed on the county council by section 108(8) of the Medicines Act 1968 (enforcement of certain provisions made by or under that Act).

1968 c. 67.

(4) If and so long as an order under subsection (1), subsection (2) or subsection (3) above confers any functions or imposes any duty on a district council in Wales, references in the enactment or enactments to which the order relates—

- (a) to the county council shall be construed as including references to that district council, and
- (b) to the area of the county (however expressed) shall be construed, in relation to the council of the county in which the district is situated, as references to the area of the county exclusive of that district.

(5) The power to make an order—

- (a) under subsection (1) above conferring functions on a district council in Wales, or
- (b) under subsection (2) or subsection (3) above imposing a duty on a district council in Wales.

shall cease to be exercisable on 1st April 1974, but an order made under any of those subsections may be revoked at any time after that date, by a further order made under the same subsection.

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(6) A statutory instrument containing an order under subsection (1), subsection (2) or subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1928 c. 19.

(7) Notwithstanding anything in section 5 of the Agricultural Produce (Grading and Marking) Act 1928, in respect of any period during which, by virtue of an order under subsection (1) above, functions under sections 4 and 5 of that Act are conferred on the council of a district in Wales, any expenses incurred under that Act by the council of the county in which that district is situated shall be treated as special expenses chargeable only on the remainder of the county.

(8) In any case where, by virtue of an order under subsection (1), subsection (2) or subsection (3) above revoking a previous order under that subsection, functions conferred or a duty imposed by that previous order on a district council in Wales cease to be so conferred or imposed, anything done before the date on which the order takes effect by, to or before the district council shall have effect for the purposes of the enactment or enactments to which the order relates as if done by, to or before the county council by whom those functions become exercisable on that date or, as the case may be, on whom that duty is imposed on that date; and any proceedings under that enactment or those enactments which on that date were pending by or against the district council may be continued accordingly by or against the county council.

Local weights
and measures
authorities.
1963 c. 31.

201.—(1) The provisions of subsections (2) to (4) below shall have effect in place of the provisions of section 34 and subsections (1) and (2) of section 35 of the Weights and Measures Act 1963 (local weights and measures authorities in England and Wales).

(2) The local weights and measures authority shall be—

(a) in England, for each county and London borough, the council of that county or borough, for the City and the Temples, the Common Council, and for the Isles of Scilly, the Council of the Isles of Scilly;

(b) in Wales, for each district within a county for which the district council are not, by virtue of subsection (3) below, the local weights and measures authority, the county council, and for any other district, the district council.

(3) The Secretary of State may, at any time before 1st April 1974, make an order designating the council of a district in Wales a local weights and measures authority as from that date; and any such order may be revoked, at any time after that date, by a further order made by the Secretary of State.

(4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the powers of local authorities under Parts VI and VII of this Act, section 5 of the 1963 Act and the Local Authorities (Goods and Services) Act 1970, section 37 of the Weights and Measures Act 1963 (power for local weights and measures authorities to combine) shall cease to apply to local authorities in England and Wales except with respect to any agreement under that section entered into before 1st April 1974 by any two or more local weights and measures authorities for areas within Greater London and, subject to subsection (6) below, references in any enactment to section 37 of the Weights and Measures Act 1963 or to any agreement thereunder shall be construed accordingly. 1970 c. 39.
1963 c. 31.

(6) In section 40 of the Weights and Measures Act 1963 (expenses of authorities and compensation for officers)—

- (a) in subsection (1) for the words from the beginning to “section 37 of this Act” there shall be substituted the words “In respect of any period during which a district council in Wales are the local weights and measures authority for their district”, after the words “Cran Measures Act 1908” there shall be inserted the words “the Fabrics (Misdescription) Act 1913 or the Trade Descriptions Acts 1968 and 1972”, and the words “borough or”, in each place where they subsequently occur, shall be omitted; 1908 c. 17.
1913 c. 17.
- (b) subsection (2) (which, for England and Wales, is superseded by the provisions of Part XII of this Act) shall cease to have effect in England and Wales; and
- (c) subsection (3) (which is spent) shall cease to have effect.

(7) Section 47 of the Weights and Measures Act 1963 (power of Secretary of State to make regulations with respect to the manner of performance of their functions by local weights and measures authorities and inspectors) shall cease to have effect with respect to authorities and inspectors in England and Wales.

(8) A local weights and measures authority may make, or assist in the making of, arrangements to provide advice to or for the benefit of consumers of goods and services within the area of the authority.

202.—(1) Each metropolitan county shall become a passenger transport area for the purposes of Part II of the Transport Act 1968, and the Passenger Transport Authority for that area shall be the county council, and, subject to the following provisions of this section, the provisions of the said Part II, other than subsections (1), (2) and (4) of section 9 thereof, shall have effect Public transport in passenger transport areas.
1968 c. 73.

- PART IX in relation to the area of each metropolitan county as if the area had been designated by an order under that section and as if the Authority were established by the order.
- 1968 c. 73. (2) Subject to subsection (3) below, Part II of the Transport Act 1968 shall have effect in its application to England and Wales subject to the amendments specified in Part I of Schedule 24 to this Act, being amendments—
- 1969 c. 35. (a) to assimilate in certain respects the provisions of the said Part II to those of Part II of the Transport (London) Act 1969 ;
- (b) to make further provision with respect to the control of a Passenger Transport Executive by the Passenger Transport Authority ; and
- (c) to remove, or to transfer to the Passenger Transport Authority, certain functions originally conferred on the Secretary of State.
- 1970 c. 24. (3) In any case where a passenger transport area is coterminous with the area of a county in England or Wales, whether by virtue of subsection (1) above or of an order under section 9 of the Transport Act 1968, Part II of that Act shall have effect subject to the modifications in Part II of Schedule 24 to this Act ; and in section 16(1) of the Finance Act 1970 (exclusion of amounts precepted under section 13 of the Transport Act 1968 and certain grants in computing profits chargeable to corporation tax of a Passenger Transport Executive or the London Transport Executive) at the end of paragraph (a) there shall be added the words “ and, in any case where that section has effect as set out in Part II of Schedule 24 to the Local Government Act 1972, any grants made to such Executives under that section ”.
- (4) Subject to any provision made by virtue of subsection (5) below, in relation to each metropolitan county the Secretary of State shall by order made before 1st April 1974 make provision for the establishment of a Passenger Transport Executive, and such an order may make such other provision—
- (a) as, by virtue of subsection (4) of section 9 of the Transport Act 1968, could be included in an order under subsection (1) of that section designating a county as a passenger transport area, and
- (b) as, by virtue of any provision of section 17 of that Act (transfer to Executive of local authority transport undertakings), could be made by an order under subsection (1) of that section relating to a passenger transport area consisting of a county ;
- and in so far as such an order makes any such provision as is referred to in paragraph (b) above, the provisions of subsections

(3), (5) and (6) of the said section 17 (compensation for loss of employment and vesting of property, rights and liabilities) shall apply as they apply in relation to an order under subsection (1) of that section.

(5) The Secretary of State may by order make, in relation to each of the existing passenger transport areas, such transitional provisions as appear to him to be expedient in consequence of subsection (1) above, and any such order may, in particular,—

- (a) provide that the Passenger Transport Executive for an existing passenger transport area shall become the Executive for the relevant metropolitan county ;
- (b) modify any provision of Part II of the Transport Act 1968 c. 73. 1968 and of this section in its application to an existing passenger transport area ;
- (c) amend any order which has been made under the said Part II in relation to such an area ; and
- (d) dissolve existing Authorities.

(6) For the purposes of subsection (5) above, the existing passenger transport areas are those areas designated before the passing of this Act for the purposes of Part II of the Transport Act 1968, each of which comprises the whole or the greater part of an area which becomes a metropolitan county by virtue of this Act, and “the relevant metropolitan county” in relation to an existing passenger transport area means the county the area of which is so comprised.

(7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament, and subsections (3) to (5) of section 22 of the Transport Act 1968 (special provisions for challenging certain orders under Part II of that Act) shall apply in relation to orders under this section as they apply in relation to orders under sections 9(1) and 17(1) of that Act.

(8) Expressions used in this section have the same meanings as in the Transport Act 1968.

203.—(1) Within each non-metropolitan county, it shall be the duty—

- (a) of the county council, acting in consultation with persons providing bus services within the county and, so far as appropriate, with the Railways Board, to develop policies which will promote the provision of a co-ordinated and efficient system of public passenger transport to meet the needs of the county and, for that purpose, to take such steps to promote the co-ordination, amalgamation and re-organisation of road passenger transport undertakings in the county as appear to the county council to be desirable ;

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(b) of each of the district councils in the county who are carrying on a road passenger transport undertaking to operate that undertaking in accordance with the policies developed by the county council as mentioned in paragraph (a) above ; and

(c) of each of the persons providing bus services within the county and of the Railways Board to co-operate with one another in the exercise and performance of their respective functions for the purpose of co-ordinating the passenger transport services within the county and to afford to one another such information as to proposed changes in their services as may be reasonably required for that purpose.

(2) For the purpose of such co-operation as is referred to in subsection (1)(c) above, the Railways Board and each of the other persons mentioned in that subsection shall have power to enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient, including arrangements for the establishment under the Companies Acts of, and the transfer of assets to, one or more companies controlled (severally or jointly) by the parties to the arrangements.

(3) The council of a non-metropolitan county or non-metropolitan district may make grants towards any costs incurred by persons carrying on public passenger transport undertakings wholly or partly in the county or district, as the case may be ; and in any case where, in carrying out their duty under subsection (1)(b) above, a district council incur expenditure which they would not otherwise have incurred or receive less revenue than they would otherwise have done, the district council may, by notice to the county council, require the county council to reimburse the amount of that expenditure or of that reduction in revenue.

(4) If any amount which, in accordance with a notice under subsection (3) above, a county council are required to reimburse to a district council is not determined by agreement between those councils within six months of the receipt of the notice or such longer period as may be agreed between them, the amount shall be determined by an arbitrator appointed either by agreement between those councils or, in default of such agreement, by the President of the Institute of Municipal Treasurers and Accountants.

1966 c. 42. (5) The following expenditure shall not be relevant expenditure for the purposes of section 1 of the Local Government Act 1966, namely—

(a) any expenditure incurred by a council in making grants under subsection (3) above ;

- (b) any expenditure incurred by a county council in reimbursing a district council in pursuance of a notice under that subsection ; and
- (c) any expenditure incurred by a district council who carry on a road passenger transport undertaking in meeting a deficit incurred in the running of the undertaking.

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(6) Expressions used in this section have the same meanings as in the Transport Act 1968. 1968 c. 73.

204.—(1) The districts in Wales shall be the areas for which polls under section 66 of the Licensing Act 1964 (Sunday closing in Wales) may be held, but in relation to each such district, until such a poll is held and the decision on the poll takes effect in the district in accordance with section 67(4) of that Act, the areas in which subsection (1) of the said section 66 does or does not have effect shall be the same on and after 1st April 1974 as before that date. Licensing: licensed premises, cinemas, theatres and refreshment houses. 1964 c. 26.

(2) Any reference in Part VII of the Licensing Act 1964 (licensing planning areas) to a local planning authority shall be construed as a reference to a district planning authority only.

(3) In the case of premises situated outside Greater London, notice of an application for a justices' licence under Schedule 2 to the Licensing Act 1964 shall be given to the proper officer of the district council instead of to the clerk to the rating authority.

(4) In consequence of the preceding provisions of this section and of section 217 below, the Licensing Act 1964 shall have effect subject to the amendments specified in Part I of Schedule 25 to this Act.

(5) Outside Greater London the functions of issuing licences under the Cinematograph Act 1909 and of allowing cinema entertainments under section 1 of the Sunday Entertainments Act 1932 shall be exercisable by district councils, and accordingly, in its application in England and Wales, the said Act of 1909 shall have effect subject to the following modifications:— 1909 c. 30. 1932 c. 51.

- (a) for the words "county council", in each place where they occur, there shall be substituted the words "district council",
- (b) for the words "council of the county", in both places where they occur in section 7(3), there shall be substituted the words "council of the district", and

- PART LX** (c) sections 5 and 6 shall be omitted ;
- 1963 c. 33. and in section 52(2) of the London Government Act 1963 (application of Acts of 1909 and 1932 to Greater London) for the word " county ", in both places where it occurs, there shall be substituted the word " district "
- 1968 c. 54. (6) In section 18(1) of the Theatres Act 1968, in the definition of " licensing authority ", for paragraph (b) there shall be substituted the following paragraph:—
 " (b) as respect premises in a district in England or Wales, the council of that district ";
- 1925 c. 50. and in the definition of " registration authority " in section 13 of the Theatrical Employers Registration Act 1925, as it applies in England and Wales, for the words " county borough " there shall be substituted the words " London borough " and for the words " the council of the county " there shall be substituted the words " the council of the district ".
- 1926 c. 31. (7) In section 2 of the Home Counties (Music and Dancing) Licensing Act 1926 (which among other things defines " the council " for the purposes of that Act) for the words from " the expressions ' county ' " to " county borough ", in the third place where those words occur, there shall be substituted the words " the expression ' council ' means the council of the district " and in Schedule 1 to that Act (areas of the Act's application) the references to the administrative counties of Buckinghamshire, Essex, Hertfordshire and Kent shall be construed as references to the new counties of Buckinghamshire, Essex, Hertfordshire and Kent.
- (8) The provisions of Part II of Schedule 25 to this Act shall have effect for the purpose of conferring a right of appeal with respect to licences under the Home Counties (Music and Dancing) Licensing Act 1926 ; and any reference in that Part of that Schedule—
 (a) to the 1926 Act is a reference to the said Act of 1926, or
 (b) to a licence is a reference to a licence under section 3 of the 1926 Act.
- 1969 c. 53. (9) In section 2(2) of the Late Night Refreshment Houses Act 1969 (licensing authorities under that Act) for the words " county and county borough councils " there shall be substituted the words " district councils ".
- Rent officers and rent tribunals.
 1968 c. 23. **205.**—(1) Every scheme made under section 40 of the Rent Act 1968 (schemes for appointment of rent officers) and relating to the area of an existing local authority outside Greater London shall cease to have effect on 1st April 1974 and, before that date, the Secretary of State shall, after consultation with the council

of each county established under this Act, make a scheme for the council's area under the said section 40 to come into force on that date.

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(2) A scheme made by virtue of subsection (1) above may, in respect of a time before 1st April 1974, confer functions or impose obligations on the council of a county established under this Act or the proper officer thereof, and section 41 of the Rent Act 1968 (default powers) shall apply in relation to any function or obligation so conferred or imposed, notwithstanding that the scheme itself has not yet come into force. 1968 c. 23.

(3) Every rent tribunal appointed for a district in which Part VI of the Rent Act 1968, as originally enacted, has effect, other than a tribunal for a district within Greater London, shall be dissolved on 1st April 1974, and, without prejudice to the continued existence of any such tribunal until that date, for the purpose of establishing, under section 69 of that Act as set out in subsection (4) below, new rent tribunals to exercise jurisdiction on and after that date, the Secretary of State may at any time before that date (and notwithstanding that the said section 69 is not then in force) exercise in relation to any such new rent tribunal—

- (a) the powers of appointment and direction conferred on him by Schedule 10 to the Rent Act 1968 ; and
- (b) the powers of direction conferred on him by subsection (3) of section 69 of that Act, as set out in subsection (4) below.

(4) On 1st April 1974 section 68 of the Rent Act 1968 (operation of Part VI) shall cease to have effect and the following section shall be substituted for section 69 of that Act:—

“Establishment of rent tribunals for districts.

69.—(1) A tribunal (in this Part of this Act referred to as a “rent tribunal”) shall be established for each area which is a district for the purposes of this Part of this Act and the provisions of Schedule 10 to this Act shall have effect with respect to rent tribunals.

(2) Subject to subsections (3) and (4) below, each of the following areas shall be a district for the purposes of this Part of this Act—

- (a) a non-metropolitan county ;
- (b) a metropolitan district ;
- (c) a London borough ; and
- (d) the City of London which, for this purpose, shall include the Inner Temple and the Middle Temple.

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(3) The Secretary of State may direct—

(a) that an area consisting of the whole or part of any two or more of the districts referred to in subsection (2) above shall be treated as a single district for the purposes of this Part of this Act ; or

(b) that different parts of any such district as is referred to in that subsection shall be treated as separate districts for those purposes.

(4) This Part of this Act shall not have effect in the Isles of Scilly.”

Public
libraries and
museums
(England).
1964 c. 75.

206. The local authorities for the purposes of the Public Libraries and Museums Act 1964 in England shall be county councils, the Greater London Council, London borough councils, district councils, the Common Council and the Council of the Isles of Scilly and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

(a) the council of a non-metropolitan county ;

(b) the council of a London borough and the Common Council ;

(c) the council of a metropolitan district ;

shall be a library authority for those purposes.

Public
libraries and
museums
(Wales).
1964 c. 75.

207.—(1) The local authorities for the purposes of the Public Libraries and Museums Act 1964 in Wales shall be county councils and district councils and, subject to the provisions of section 5 of that Act, each of the following authorities, that is to say—

(a) the council of a county ;

(b) the council of a district who have been constituted a library authority under the following provisions of this section ;

shall be a library authority for those purposes.

(2) The council of a district in Wales may at any time before 1st April 1974 apply to the Secretary of State for an order constituting the council a library authority and the Secretary of State may, if he thinks it expedient to do so having regard to—

(a) the capacity of the council to provide an efficient library service for their district ; and

(b) the effect which the order would have on the library service which is to be provided by the council of the new county comprising that district ;

and after consulting the council of the new county, make an order constituting the district council a library authority as from a date, not earlier than 1st April 1974, specified in the order.

(3) While the Secretary of State is considering an application by the council of a district for an order under subsection (2) above, he may make an order constituting that council a library authority for a period beginning with 1st April 1974 and ending on a date specified by the Secretary of State on deciding to make or not to make the order applied for.

(4) A council of a district in Wales which is not a library authority may within the period of six months beginning with any review date apply to the Secretary of State for an order constituting the council a library authority and if, after consulting the authority which is then the library authority for that district and after taking account of any likely changes in the area and population of that district and of any other matters appearing to him to be relevant, the Secretary of State is of the opinion that the order would lead to an improvement in the library facilities in that district and would not prejudicially affect the library facilities in the county or the area of the joint board, as the case may be, he may make an order constituting the council a library authority as from a date specified in the order.

(5) Where during the said period of six months the Secretary of State is satisfied, after consulting the council of a district which is a library authority and such other library authorities as appear to him to be concerned, that if the council of the district ceased to be a library authority, that would lead to an improvement in the library facilities in that district or in the county or area of the joint board, as the case may be, he may by order provide that as from a date specified in the order the council of that district shall cease to be a library authority.

(6) An order under this section constituting a district council a library authority may impose on the district council such conditions as the Secretary of State thinks fit for securing the performance by them of their functions under the Public Libraries and Museums Act 1964. 1964 c. 75.

(7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section "review date" means 1st April in 1984 and every tenth year thereafter.

208.—(1) It shall not be necessary for any local authority within the meaning of the Public Libraries and Museums Act 1964 to obtain the consent of the Secretary of State to the provision of a museum or art gallery under section 12(1) of that Act or to the transfer of a museum or art gallery and its collections under section 12(2) of that Act, or to apply for an

Amendments
of Public
Libraries
and Museums
Act 1964.

PART IX

order under section 15(2) of that Act for the purpose of amalgamating a fund established under that section with a similar fund maintained under a local Act, and accordingly in the said section 15(2) for the words after "aforesaid" there shall be substituted the words "it may amalgamate the funds, but without prejudice to the effect of any condition attached to any particular gift received by the authority".

(2) The powers conferred by section 14 of the said Act of 1964 (contributions to expenses of museums and art galleries) on certain local authorities shall be exercisable by every local authority within the meaning of that Act, whether or not a library authority or maintaining a museum or art gallery.

(3) The following additional amendments shall be made in the said Act of 1964—

(a) in section 4(2)(a), after the word "council" there shall be inserted the words "in Wales";

(b) in sections 5(3), 6(5) and (6), 10(2), 11(2) and 21, for the words "non-county borough or urban district", wherever occurring, there shall be substituted the words "district in Wales";

(c) in the proviso to section 5(3), for the words from "at the request" to "40,000" there shall be substituted the words "if the Secretary of State thinks fit";

(d) in section 6(6), after the word "above" there shall be inserted the words "or under section 207 of the Local Government Act 1972";

(e) in section 6(7), for the words from the beginning to "above he" there shall be substituted the words "Where the council of a district in Wales are constituted a library authority under section 207 of the Local Government Act 1972, the Secretary of State", and for the words "approved council" there shall be substituted the words "council so constituted";

1958 c. 55.

(f) in section 11(2), the reference to section 60(2) of the Local Government Act 1958 shall be construed as a reference to section 255 below;

(g) in section 15(1), after the word "maintaining" there shall be inserted the words "or proposing to provide" and for the words from "for the time being" onwards there shall be substituted the words "which the authority maintains or proposes to provide under that section";

(h) in section 16, for the words "local authority" there shall be substituted the words "library authority";

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- (i) in section 21, in subsections (1) and (3) after the words “county council” there shall be inserted the words “in Wales” and in subsection (1) the words from “and expenses” onwards shall cease to have effect;
- (j) in section 24(1), for the words “this Act” there shall be substituted the words “the provisions of this Act relating to libraries” and for the word “county” there shall be substituted the words “non-metropolitan county”;
- (k) in Schedule 2, in paragraph 2(1), the words from “but except” onwards shall cease to have effect.

209.—(1) The local education authority for any area outside Youth Greater London shall undertake in that area the performance of employment the functions of such an authority under a scheme in force services. immediately before 1st April 1974 under section 10 of the Employment and Training Act 1948 (provision of youth 1948 c. 46. employment services by local education authorities) so far as it relates to that area, and any such scheme shall have effect subject to any necessary modifications in consequence of this Act.

(2) In section 18(1) of the said Act of 1948, for the definition of “local authority” there shall be substituted the definition “‘local authority’ means a county council, district council, London borough council or the Common Council of the City of London”.

210.—(1) Where, immediately before 1st April 1974, any Charities. property is held, as sole trustee, exclusively for charitable purposes by an existing local authority for an area outside Greater London, other than the parish council, parish meeting or representative body of an existing rural parish in England (but including the corporation of a borough included in a rural district), that property shall vest (on the same trusts) in a new local authority in accordance with subsections (2) to (5) below.

(2) Subject to subsection (3) below, where the property is held by one of the existing authorities specified below, and is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority specified below, the area of which comprises the whole or the greater part of that specified area, and where the property is so held but is not held for such a benefit, it shall vest in the new authority specified below, the area of which comprises the whole or the greater part of the area of the existing authority, that is to say—

- (a) where the existing authority is a county council, the new authority is the council of the new county;

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- (b) where the existing authority is the council of a borough or urban district in England, the new authority is the council of the parish constituted under Part V of Schedule 1 to this Act or, where there is no such parish, the council of the district ;
- (c) where the existing authority is the council of a borough or urban district in Wales, the new authority is the council of the community or, where there is no such council, the council of the district ; and
- (d) where the existing authority is a rural district council, then, if the rural district is coextensive with a parish, the new authority is the parish council, and in any other case the new authority is the council of the district.

1960 c. 58.

(3) Where the property is held by an existing county council or county borough council for the purposes of a charity registered in the register established under section 4 of the Charities Act 1960 in any part of that register which is maintained by the Secretary of State by virtue of section 2 of that Act (educational charities) then—

- (a) if the property is so held for the benefit of, or of the inhabitants of, or of any particular class or body of persons in, a specified area, the property shall vest in the new authority which is the local education authority for the whole or the greater part of that specified area, and
- (b) in any other case, the property shall vest in the new authority which is the local education authority for the whole or the greater part of the area of the existing county council or county borough council by which the property is held.

(4) Where the property is held by the corporation of a borough included in a rural district, it shall vest in the parish council for the parish consisting of the area of the existing borough.

(5) Where the property is held by the parish council, parish meeting or representative body of an existing rural parish in Wales, then—

- (a) in the case of property held by an existing parish council, the property shall vest in the community council for the community or group of communities, the area or areas of which are co-extensive with the area of the parish or parishes for which the existing parish council act ;
- (b) in the case of property held by the parish meeting or representative body of an existing parish the area of which is comprised in a community for which there

is a community council, the property shall vest in that community council ; and

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(c) in any other case, the property shall vest in the council of the district which comprises the area of the existing rural parish.

(6) Where, immediately before 1st April 1974, any power with respect to a charity, not being a charity incorporated under the Companies Acts or by charter, is under the trusts of the charity or by virtue of any enactment vested in, or in the holder of an office connected with, any existing local authority to which subsection (1) above applies, that power shall vest in, or in the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, the corresponding new authority, that is to say, the new authority in which, had the property of the charity been vested in the existing local authority, that property would have been vested under subsections (1) to (5) above.

(7) References in subsection (6) above to a power with respect to a charity do not include references to a power of any person by virtue of being a charity trustee thereof ; but where under the trusts of any charity, not being a charity incorporated under the Companies Acts or by charter, the charity trustees immediately before 1st April 1974 include either an existing local authority to which subsection (1) above applies or the holder of an office connected with such an existing local authority, those trustees shall instead include the corresponding new authority as defined in subsection (6) above or, as the case may require, the holder of the corresponding office connected with, or (if there is no such office) the proper officer of, that authority.

(8) In section 10(1) of the War Charities Act 1940 (registration authorities) for paragraph (b) there shall be substituted the following paragraph—

“(b) as respects any London borough, the council of the borough”

and in paragraph (d) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”.

(9) The Charities Act 1960 shall have effect subject to the following amendments:—

- (a) in section 10(1) (local authorities' index of local charities) for the word “borough” there shall be substituted the words “district or London borough” ;
- (b) in section 11 (reviews of local charities by local authority) in subsections (1) and (4) for the word

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“borough” there shall be substituted the words “district or London borough”, and in subsection (5) for the words “to (7)” there shall be substituted the words “and (5)”;

- (c) in section 12(1) (co-operation between charities and local authorities) for the words “county borough, of a metropolitan borough” there shall be substituted the words “London borough”;
- (d) all the words in section 18(12) from “but a parish” to the end shall be omitted;
- (e) the powers of appointment under subsections (3), (4) and (5) of section 37 (parochial charities) shall, in the case of a community in Wales for which there is no community council, be exercisable by the district council, and, in the case of an existing urban parish in England which after 1st April 1974 is not comprised in a parish, the power of appointment under subsection (5) of that section shall be exercisable by the district council; and
- (f) in Schedule 3 (enlargement of areas of local charities) in both columns of paragraphs 3 and 4, for the word “borough”, in each place where it occurs, there shall be substituted the word “district”; in paragraph 4(iv) (in column 2) for the words “parish or parishes (civil or ecclesiastical)” there shall be substituted the word “district”.

(10) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity and nothing in those provisions shall apply in a case to which section 211 below applies.

(11) In this section the expression “local authority”, in relation to a parish, includes a parish meeting and the representative body of a parish, and the expressions “charitable purposes”, “charity”, “charity trustees”, “court” and “trusts” have the same meanings as in the Charities Act 1960.

1960 c. 58.

Welsh Church funds.

1914 c. 91.

211.—(1) Any property which, immediately before 1st April 1974, is vested in the council of an existing county or county borough in Wales and is required to be applied in accordance with a scheme under section 19 of the Welsh Church Act 1914 (application of Welsh Church funds for charitable or eleemosynary purposes) shall be vested, by virtue of this Act, in the council of the new county which comprises the whole or the greater part of the area of that existing county or county borough.

(2) Where, by virtue of subsection (1) above, property vested in the council of an existing county becomes vested in the council of a new county which does not comprise the whole of the area of the existing county, the new county council shall transfer an apportioned part of the property to each of the other new county councils whose areas include parts of the area of the existing county.

(3) An apportionment for the purposes of subsection (2) above shall be made by agreement between the new county councils concerned, or, in default of such an agreement, shall be determined by arbitration before a single arbitrator appointed by agreement between those councils or, in default of such an agreement, appointed by the Secretary of State.

(4) The vesting or transfer of any property by virtue of this section shall not affect the application of the property in accordance with the scheme under section 19 of the Welsh Church Act 1914 which is applicable to it immediately before 1st April 1974 or the amendment or revocation of any such scheme by a further scheme under that section.

212.—(1) With respect to any local land charge within the meaning of section 15 of the Land Charges Act 1925 which affects land situated outside Greater London, the proper officer to act as local registrar under that section shall be the proper officer of the council of the district in which the land affected is situated.

(2) In so far as provision made by or under any enactment requires the proper officer of a local authority of any description to register any notice, order, scheme, agreement, restriction, prohibition, condition or other instrument or matter in a register of local land charges, then, except in relation to land in Greater London, that provision shall be construed as requiring the proper officer of the district council concerned to register it.

(3) In consequence of the provisions of this section—

(a) in section 33 of the Civil Aviation Act 1949, in subsection (1), for the words from “county” to the end of the subsection there shall be substituted the words “district or London borough and the Common Council of the City of London”; and

(b) in section 30(8) of the Land Drainage Act 1961, after the words “proper officer of the” there shall be inserted the word “district”.

(4) Notwithstanding anything in section 270(3) of this Act, in this section “the proper officer” means the person who, by

- PART IX** virtue of section 19 of the Land Charges Act 1925, as set out
 1925 c. 22. in Schedule 4 to the Land Charges Act 1972, is the proper officer
 1972 c. 61. to act as local registrar.
- Local licence duties. **213.**—(1) The power to levy the duties on the following
 1927 c. 21. licences, namely—
 1872 c. 93. (a) moneylenders' licences under the Moneylenders Act 1927,
 (b) pawnbrokers' licences under the Pawnbrokers Act 1872,
 (c) licences for keeping dogs, and
 (d) licences for dealing in game or for killing game,
 shall, in England and Wales outside Greater London, be vested
 in the councils of districts.
- 1908 c. 16. (2) In accordance with subsection (1) above, section 6 of the
 Finance Act 1908 (licences for dealing in game and killing game)
 shall be amended as follows:—
 (a) in subsection (1), for the words from “ as from ” to the
 end of the subsection there shall be substituted the
 words “ in England and Wales be vested in the councils
 of districts ” ;
 (b) in subsection (2), the words from “ fix ” to “ transfer,
 and may ” shall be omitted, for the words “ county
 councils ” there shall be substituted the words “ district
 councils ”, and the words from “ The transfer under
 this section ” to “ any such adjustment ” shall be
 omitted and at the end of the subsection there shall
 be added the words “ and as if any reference in those
 provisions to a county council were a reference to
 a council having power to levy those duties after
 1st April 1974 ” ; and
 (c) for subsection (5) there shall be substituted the following
 subsection:—
 “ (5) In relation to Greater London, references in
 this section to a district council shall be construed
 as references to the council of a London borough
 or the Common Council of the City of London ”.
- 1949 c. 47. (3) In accordance with subsection (1) above, section 15 of
 the Finance Act 1949 (the licences referred to in paragraphs
 (a) and (b) of that subsection) shall be amended as follows:—
 (a) in subsection (1), for the words “ transferred to county
 and county borough councils ” there shall be substituted
 the words “ vested in district councils ” ; and
 (b) in subsections (2) and (3), for the words “ county or
 county borough ”, and in subsection (7) for the words

“county and county borough” there shall be substituted the word “district”; and

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- (c) after subsection (8) there shall be added the following subsection:—

“(8A) In relation to Greater London, references in this section to a district council shall be construed as references to the council of a London borough or the Common Council of the City of London”.

(4) In accordance with subsection (1) above, in subsection (1) of section 7 of the Dog Licences Act 1959 for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the Common Council of the City of London” and in subsection (2) of that section for the words “counties and county boroughs” there shall be substituted the words “districts and London boroughs and the City of London”.

214.—(1) The following authorities, that is to say, the councils of districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act; and—

- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall cease to be exercisable; and

- (b) any existing burial board, joint burial board or joint committee with the powers of such a board established under the Burial Act 1852 or section 53(2) of the Local Government Act 1894 or by any local statutory provision shall cease to exist.

1852 c. 85.

1894 c. 73.

(56 & 57 Vict.)

(2) Burial authorities may provide and maintain cemeteries whether in or outside their area.

(3) The Secretary of State may by order make provision with respect to the management, regulation and control of the cemeteries of burial authorities and any such order may—

- (a) impose a fine for any contravention of the order; and
(b) contain such provision amending or repealing any enactment (including any enactment in Schedule 26 to this Act) or revoking any instrument made under any enactment as appears to the Secretary of State to be necessary or proper in consequence of the order.

(4) An order under this section may only be made after consultation with associations appearing to the Secretary of State

PART IX to be representative of local authorities and with other bodies appearing to him to be concerned, and any such order shall be of no effect unless approved by a resolution of each House of Parliament.

(5) A burial authority within the meaning of this section, other than a parish meeting, shall also be a burial authority for the purposes of the Cremation Acts 1902 and 1952.

(6) A burial authority may contribute towards any expenses incurred by any other person in providing or maintaining a cemetery in which the inhabitants of the authority's area may be buried.

(7) Schedule 26 to this Act shall have effect with respect to the exercise of functions of burial authorities and the management of cemeteries and crematoria and for making amendments and modifications of the enactments relating to cemeteries and crematoria.

(8) In this section and that Schedule "cemetery" includes a burial ground or any other place for the interment of the dead (including any part of any such place set aside for the interment of a dead person's ashes).

Maintenance
of a closed
churchyard.
1914 c. 91.

215.—(1) Subject to subsection (2) below, where outside the area subject to the Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.

(2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—

- (a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard ;
- (b) if the churchyard is in a parish not having a separate parish council, serve such a request on the chairman of the parish meeting ;
- (c) if the churchyard is in a community not having a separate community council, serve such a request on the council of the district in which the community is situated ; or
- (d) if the churchyard is in England elsewhere than the City and the Temples and is not in any parish, serve such a request on the council of the district or London borough in which the churchyard is situated ;

and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the

request is served on the parish meeting, as the case may be, three months after service of the request.

PART IX

(3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district and to the parochial church council maintaining the churchyard, the council of the district, and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.

(4) Where before the passing of this Act a church council established under the constitution of the Church in Wales, in purported exercise of the powers conferred by section 18 of the Burial Act 1855 (maintenance of closed churchyard payable out of rates), issued a certificate with respect to a closed churchyard to a local authority, and that authority thereupon took over the maintenance of the churchyard, the authority's action shall be deemed to have been lawful for all purposes, and the authority for the time being responsible for the maintenance of the churchyard shall have the like duty with respect to its maintenance as a parochial church council elsewhere than the area subject to the Welsh Church Act 1914. 1855 c. 128. 1914 c. 91.

(5) In subsection (1) above, "the area subject to the Welsh Church Act 1914" means the area in which the Church of England was disestablished by that Act.

PART X

JUDICIAL AND RELATED MATTERS

216.—(1) For the purposes of commissions of the peace and the law relating to justices of the peace, magistrates' courts, the *Adaptation of law relating to old counties.* *custos rotulorum*, lieutenants, sheriffs and matters connected with any of those matters, new counties shall, without prejudice to section 179(1) above, be substituted for counties of any other description.

(2) For the purposes of this section and sections 217, 218 and 219 below the Isles of Scilly shall be deemed to form part of the county of Cornwall.

217.—(1) There shall be a separate commission of the peace for each new county and, subject to subsection (2) below, any commission of the peace which is in existence immediately before 1st April 1974 and is a commission for an area outside Greater London shall have effect on and after that date as a *Justices of the peace and magistrates' courts.*

PART X commission of the peace for the new county which includes the whole or the greater part of the area for which that commission was issued.

(2) Where by virtue of subsection (1) above there would, apart from this subsection, be more than one commission of the peace for a new county, then—

(a) until a new commission is issued for the new county, that one of those commissions which the Lord Chancellor may by order specify shall be treated as the sole commission of the peace for the new county, and

(b) the names of the justices appointed by the other or others of those commissions shall be deemed to be included among the names of the justices specified in the commission which, by virtue of paragraph (a) above, is treated as the sole commission for the new county,

and accordingly, subject to paragraph (b) above, any commission of the peace which, by virtue of subsection (1) above, would be treated as a commission for the new county, other than the commission which, by virtue of paragraph (a) above, is to be treated as the sole commission for the new county, shall cease to have effect.

(3) There shall be a separate magistrates' courts committee for each non-metropolitan county and for each metropolitan district, and outside Greater London the petty sessions areas shall be—

(a) a non-metropolitan county which is not divided into petty sessional divisions ;

(b) a petty sessional division of a non-metropolitan county ;

(c) a metropolitan district which is not divided into petty sessional divisions ; and

(d) a petty sessional division of a metropolitan district.

(4) The areas for which stipendiary magistrates may be appointed shall be—

(a) the whole or part of a non-metropolitan county,

(b) a metropolitan district, or

(c) a joint district consisting of any two or more of the areas referred to in paragraphs (a) and (b) above.

1949 c. 101. (5) Outside Greater London the powers and duties of local authorities under Part IV of the Justices of the Peace Act 1949 shall be vested in the councils of non-metropolitan counties and metropolitan districts, but for the purposes of Schedule 5 to the Criminal Justice Act 1948, where a combined probation and after-care area constituted under that Schedule is co-extensive with, or includes, a metropolitan county, the local authority, so

1948 c. 58.

far as relates to the area of the metropolitan county, shall be the county council alone.

PART X

(6) The rights of the Chancellor of the Duchy of Lancaster with respect to the appointment of justices of the peace and the supplemental list of justices of the peace shall apply throughout the whole of the counties of Greater Manchester, Merseyside and Lancashire.

(7) In consequence of the preceding provisions of this section, of the establishment of new local authorities by or under this Act, and of the provisions of the Courts Act 1971 relating to magistrates' courts committees, and in order to regulate the procedure of, and the rights of persons to attend before and make representations to, such committees and to transfer to the Lord Chancellor the responsibility for the payment of allowances to justices in respect of duties in the Crown Court, there shall have effect—

- (a) the amendments of the Justices of the Peace Act 1949 specified in Part I of Schedule 27 to this Act, and
- (b) the amendments of the other enactments specified in Part II of that Schedule.

218.—(1) Her Majesty shall appoint a lord-lieutenant for each county in England and Wales and for Greater London and may appoint lieutenants for each county and Greater London, and any reference in any enactment passed before or during the same session as this Act or any instrument made before the passing of this Act to a lieutenant of a county or Greater London shall be construed as a reference to the lord-lieutenant of a county or Greater London, as the case may be.

(2) The persons appointed under section 32 of the Militia Act 1882 to act for the lord-lieutenant as vice-lieutenant shall be known as vice lord-lieutenants and the references to deputy lieutenants in section 30(4) of that Act (displacement of deputy lieutenants) shall include references to vice lord-lieutenants.

(3) The persons who may be appointed under section 31 of the said Act of 1882 to act as lord-lieutenant of a county or Greater London or who may be appointed a vice lord-lieutenant of a county or Greater London under section 32 of that Act shall include a lieutenant of a county or Greater London, as the case may be, appointed under subsection (1) above.

(4) Her Majesty may by Order in Council provide that any lieutenant holding office immediately before 1st April 1974 shall continue to hold office on and after that date as a lord-lieutenant or as a lieutenant of a new county or Greater London, according as may be specified in the Order.

PART X

(5) Any deputy lieutenant holding office immediately before that date outside Greater London shall continue to hold office on and after that date as deputy lieutenant of the new county in which he resides or such other new county as may be specified in an order made by the Secretary of State.

(6) A deputy lieutenant holding office immediately before that date in Greater London shall continue to hold office on and after that date as deputy lieutenant of Greater London.

(7) Subsections (4) to (6) above shall not prejudice any power of removal or of directing removal from any office.

(8) In this section "Greater London" does not include the City or the Temples.

**Sheriffs
and under-
sheriffs**

219.—(1) Sheriffs appointed for a county or Greater London shall be known as high sheriffs, and any reference in any enactment or instrument to a sheriff shall be construed accordingly in relation to sheriffs for a county or Greater London.

1887 c. 55.

(2) No persons shall be nominated in 1973 in pursuance of section 6(1) of the Sheriffs Act 1887 as persons fit to serve as high sheriff, but the lord-lieutenant of a new county or Greater London shall, as soon as may be after he has been appointed under section 218(1) above or has been specified in an Order in Council under section 218(4) above, nominate three persons as being fit to serve as high sheriff of that county or Greater London, as the case may be, and they shall be treated as having been nominated under the said section 6(1).

(3) The rights of Her Majesty in right of the Duchy of Lancaster in relation to the appointment of high sheriffs shall apply throughout the whole of the counties of Greater Manchester, Merseyside and Lancashire; and subsection (2) above shall not apply to those counties or to the county of Cornwall.

(4) The Lord Chancellor may by order prescribe the area for which each under-sheriff is to act.

(5) Where the area for which an under-sheriff acts is situated in two or more counties, the duty imposed by section 23 of the Sheriffs Act 1887 of appointing the under-sheriff for that area shall be discharged by the high sheriff of the county containing the greater part of that area, after consulting any other high sheriff concerned, and if any question arises as to which county contains the greater part of an under-sheriff's area, it shall be determined by the Lord Chancellor.

References in this subsection to a county include references both to Greater London and to the City (including the Temples).

(6) An under-sheriff shall as respects the area for which he acts be treated as the high sheriff's deputy for the purpose of all the high sheriff's functions, except his functions as returning officer at parliamentary elections. PART X

(7) No privileges or duties of a sheriff shall be exercisable under section 34 of the Sheriffs Act 1887 or otherwise by the bailiff of a franchise. 1887 c. 55.

(8) In this section "Greater London" does not include the City or the Temples.

220.—(1) Except as provided by subsection (2) below, coroners shall be appointed for each county, for Greater London (other than the City and the Temples) and for the City (including the Temples) and shall be so appointed—

- (a) in the case of a county, by the county council ;
- (b) in the case of Greater London, by the Greater London Council ; and
- (c) in the case of the City and the Temples, by the Common Council ;

and any right to appoint or be a coroner of any other description, except a coroner mentioned in subsection (2) below, is hereby extinguished.

(2) Subsection (1) above shall not affect the right of Her Majesty to appoint the Queen's coroner and attorney or the coroner of the Queen's Household.

(3) The Coroners Acts 1887 to 1954, except section 12 of the Coroners (Amendment) Act 1926, shall apply in relation to the City and the Temples as if together they were a county and the Common Council were the council of that county and shall so apply subject to the following modifications:— 1926 c. 59.

- (a) references in those Acts to county aldermen and county councillors shall be construed as references to aldermen of the City and common councillors ;
- (b) any expenses of the Common Council under those Acts shall be defrayed out of the general rate ; and
- (c) in section 1 of the Coroners Act 1892, the reference to the chairman of the council who appointed the coroner shall be construed as a reference to the Lord Mayor. 1892 c. 56.

(4) It shall be the duty of the council of each new county to take into consideration the division of the county into coroners' districts and, unless they consider it inexpedient to do so, to exercise before the end of 1973 the power conferred on them by section 12 of the Coroners (Amendment) Act 1926 of submitting a draft order providing for the division, or alteration

PART X of any division, of the county into coroners' districts ; and the council of each new county shall not later than 1st April 1974 appoint a sufficient number of coroners for the county and section 2 of the said Act of 1926 shall apply to any such appointment as if a vacancy had occurred in the office of coroner for the county.

(5) The following provisions shall cease to have effect, that is to say—

- 1844 c. 92. (a) so much of section 5 of the Coroners Act 1844 as requires a coroner to reside in or within two miles of his district ;
- 1887 c. 71. (b) so much of section 25 of the Coroners Act 1887 as requires a local authority to cause a copy of a schedule of fees, allowances and disbursements to be deposited with their clerk ;
- (c) section 39 of that Act (application to county of Lancaster) ; and
- 1926 c. 59. (d) section 8 of the Coroners (Amendment) Act 1926 (defraying of expenses incurred on the salary or pension of a coroner).

(6) For section 78(2)(b) of the 1963 Act there shall be substituted the following paragraph—

“(b) any sum required by section 27(2) of the Coroners Act 1887 to be paid out of the local rate shall be defrayed by the Greater London Council”.

Abolition
of borough
civil courts.

221.—(1) There are hereby abolished the inferior courts of record specified in Schedule 28 to this Act, being courts having a jurisdiction defined, or originally defined, by reference to a city, borough or similar area which, after 1st April 1974, no longer exists in that form as a unit of local government (whether it ceases to do so by virtue of this Act or has ceased to do so at some time before the passing of this Act).

(2) Her Majesty may by Order in Council make such transitional and consequential provisions as appear to Her expedient in consequence of the abolition of any court by this section.

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal proceedings

Power of local
authorities to
prosecute or
defend legal
proceedings.

222.—(1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—

- (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and

(b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.

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(2) In this section "local authority" includes the Common Council.

223.—(1) Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates' court shall be entitled to prosecute or defend or to appear in any such proceedings, and, notwithstanding anything contained in the Solicitors Acts 1957 to 1965, to conduct any such proceedings although he is not a solicitor holding a current practising certificate.

Appearance of local authorities in legal proceedings.

(2) In this section "local authority" includes the Common Council and a river authority established under the Water Resources Act 1963.

1963 c. 38.

Documents and notices, etc.

224. Without prejudice to the powers of the *custos rotulorum* to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents which belong to or are in the custody of the council or any of their officers.

Arrangements by principal councils for custody of documents.

225.—(1) In any case in which a document of any description is deposited with the proper officer of a local authority, or with the chairman of a parish or community council or with the chairman of a parish meeting, pursuant to the standing orders of either House of Parliament or to any enactment or instrument, the proper officer or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or instrument, and shall make such notes or endorsements on, and give such acknowledgments and receipts in respect of, the document as may be so directed.

Deposit of documents with proper officer of authority, etc.

(2) All documents required by any enactment or instrument to be deposited with the proper officer of a parish or community shall, in the case of a parish or community not having a separate parish or community council, be deposited in England with the chairman of the parish meeting or in Wales with the proper officer of the district council.

226.—(1) All specified papers of a parish or community shall—

(a) in the case of a parish which is co-extensive with an existing rural parish, remain in the same custody as before 1st April 1974; and

Custody of parish and community documents.

PART XI

(b) in the case of any other parish or any community, be in the custody of the body to which the documents of that area, other than documents of a specified class, are transferred on that date ;

but the parish or community council or, in the case of a parish or community not having a separate parish or community council, the parish meeting in England or the district council in Wales may direct that any such papers shall be deposited in such custody as may be specified in the direction.

1894 c. 73.
(56 & 57 Vict.).

(2) Nothing in this Act shall affect the custody of registers of baptisms, marriages and burials and of all other documents containing entries wholly or partly relating to the affairs of the church, as defined by the Local Government Act 1894, or to ecclesiastical charities, as so defined, except documents directed by law to be kept with the papers of a parish or community.

(3) Any person having the custody of any documents mentioned in subsection (2) above shall have reasonable access to the papers mentioned in subsection (1) above and—

(a) in a parish or community having a separate parish or community council, that council ;

(b) in any other parish, the parish meeting ;

(c) in any other community, the district council ; and

(d) in any area in England not falling within paragraph (a) or (b) above, the district council, London borough council or Common Council, as the case may be ;

shall have reasonable access to the documents mentioned in subsection (2) above.

(4) Any difference about the custody of or access to any documents mentioned in subsection (1) or (2) above shall, if the area is in a London borough or the City, be determined by the Secretary of State and in any other case by the county council.

(5) Every county council shall from time to time enquire into the manner in which specified papers under the control of a parish or community council or parish meeting are kept with a view to their proper preservation, and shall make such orders as they think necessary for their preservation, and those orders shall be complied with by the parish or community council or parish meeting.

Provision of
depositories
for parish and
community
documents.

227.—(1) In the case of a parish or community having a separate parish or community council that council or, if they so request, the council of the district in which the parish or community is situated, shall provide proper depositories for all the specified papers belonging to the parish or community for which no provision is otherwise made.

(2) In the case of a parish or community not having a separate parish or community council, the council of the district in which the parish or community is situated shall provide proper depositories for all the specified papers under the control of the parish meeting or belonging to the community but in England only with the consent of the parish meeting of the parish.

PART XI

228.—(1) The minutes of proceedings of a local authority shall be open to the inspection of any local government elector for the area of the authority and any such local government elector may make a copy of or extract from the minutes. Inspection of documents

(2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.

(3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.

(4) Any abstract of the accounts of a body whose accounts are required to be audited in accordance with Part VIII of this Act and of any officer of such a body and any report made by an auditor on those accounts shall be open to the inspection of any local government elector for the area of the body, and any such local government elector may make a copy thereof or an extract therefrom, and copies thereof shall be delivered to any such local government elector on payment of a reasonable sum for each copy.

(5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of 10p for every such inspection, and of the further sum of 10p for every hour during which such inspection continues after the first hour.

(6) A document directed by this section to be open to inspection shall be so open at all reasonable hours and, except where otherwise expressly provided, without payment.

(7) If a person having the custody of any such document—

- (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,
- (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,

he shall be liable on summary conviction to a fine not exceeding £20.

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(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a local authority.

Photographic
copies of
documents.

229.—(1) Subject to subsections (3) and (7) below, any requirement imposed by any enactment that a local authority or parish meeting shall keep a document of any description shall be satisfied by their keeping a photographic copy of the document.

(2) Subject to subsection (7) below, any requirement imposed by any enactment that a document of any description in the custody or under the control of a local authority or parish meeting shall be made available for inspection shall be satisfied by their making available for inspection a photographic copy of the document.

1958 c. 51.

(3) Subsection (1) above shall not apply to any document deposited with a local authority under the Public Records Act 1958.

(4) In legal proceedings a photographic copy of a document in the custody of a local authority or parish meeting, or of a document which has been destroyed while in the custody of a local authority or parish meeting, or of any part of any such document, shall, subject to subsection (6) below, be admissible in evidence to the like extent as the original.

(5) A certificate purporting to be signed by the proper officer of the local authority, or the chairman of the parish meeting, concerned that a document is such a photographic copy as is mentioned in subsection (4) above, shall, subject to subsection (7) below, be evidence to that effect.

(6) The court before which a photographic copy is tendered in evidence in pursuance of subsection (4) above may, if the original is in existence, require its production and thereupon that subsection shall not apply to the copy.

(7) A photographic copy of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.

1968 c. 64.

(8) In this section “court” and “legal proceedings” have the same meanings as in the Civil Evidence Act 1968.

Reports and
returns.

230. Every local authority, every joint board and every joint committee of local authorities shall send the Secretary of State such reports and returns, and give him such information with respect to their functions, as he may require or as may be required by either House of Parliament.

231.—(1) Subject to subsection (3) below, any notice, order or other document required or authorised by any enactment or any instrument made under an enactment to be given to or served on a local authority or the chairman or an officer of a local authority shall be given or served by addressing it to the local authority and leaving it at, or sending it by post to, the principal office of the authority or any other office of the authority specified by them as one at which they will accept documents of the same description as that document.

PART XI
Service of notices on local authorities, etc.

(2) Any notice, order or other document so required or authorised to be given to or served on a parish meeting, or the chairman of the parish meeting, shall be given or served by addressing it to the chairman of the parish meeting and by delivering it to him, or by leaving it at his last known address, or by sending it by post to him at that address.

(3) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court, but except as aforesaid the methods of giving or serving documents provided for by those provisions are in substitution for the methods provided for by any other enactment or any instrument made under an enactment so far as it relates to the giving or service of documents to or on a local authority, the chairman or an officer of a local authority or a parish meeting or the chairman of a parish meeting.

232.—(1) Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—

Public notices.

(a) by posting the notice in some conspicuous place or places within the area of the local authority; and

(b) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

(2) This section shall apply to a public notice required to be given by the chairman of a parish meeting as it applies to public notices required to be given by a parish council.

233.—(1) Subject to subsection (8) below, subsections (2) to (5) below shall have effect in relation to any notice, order or other document required or authorised by or under any enactment to be given to or served on any person by or on behalf of a local authority or by an officer of a local authority.

Service of notices by local authorities.

(2) Any such document may be given to or served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.

PART XI

(3) Any such document may—

(a) in the case of a body corporate, be given to or served on the secretary or clerk of that body ;

(b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.

1889 c. 63.

(4) For the purposes of this section and of section 26 of the Interpretation Act 1889 (service of documents by post) in its application to this section, the proper address of any person to or on whom a document is to be given or served shall be his last known address, except that—

(a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body ;

(b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership ;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.

(5) If the person to be given or served with any document mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 26 of the Interpretation Act 1889 as his proper address.

(6) For the purpose of enabling any document to be given to or served on the owner or lessee of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner or lessee, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner or lessee, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding £20.

(7) If the name or address of any owner, lessee or occupier of land to or on whom any document mentioned in subsection (1) above is to be given or served cannot after reasonable inquiry be ascertained, the document may be given or served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

PART XI

(8) This section shall apply to a document required or authorised by or under any enactment to be given to or served on any person by or on behalf of the chairman of a parish meeting as it applies to a document so required or authorised to be given to or served on any person by or on behalf of a local authority.

(9) The foregoing provisions of this section do not apply to a document which is to be given or served in any proceedings in court.

(10) Except as aforesaid and subject to any provision of any enactment or instrument excluding the foregoing provisions of this section, the methods of giving or serving documents which are available under those provisions are in addition to the methods which are available under any other enactment or any instrument made under any enactment.

234.—(1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the proper officer of the authority. Authentica-
tion of
documents.

(2) Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

In this subsection the word "signature" includes a facsimile of a signature by whatever process reproduced.

(3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.

Byelaws

235.—(1) The council of a district and the council of a London borough may make byelaws for the good rule and government of the whole or any part of the district or borough, as the case may be, and for the prevention and suppression of nuisances therein. Power of
councils to
make byelaws
for good
rule and
government
and
suppression
of nuisances.

(2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.

(3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

PART XI
Procedure
etc., for
byelaws.

236.—(1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority under this Act or any other enactment, whenever passed and conferring on a local authority a power to make byelaws and for which specific provision is not otherwise made.

1945 c. 42.
 1971 c. 75.
 (2) This section shall not apply to byelaws made by statutory water undertakers under section 17 or 18 of the Water Act 1945 or by the Civil Aviation Authority under section 31 of the Civil Aviation Act 1971.

(3) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish or community council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.

(4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.

(5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

(6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.

(7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.

(9) The proper officer of a district council shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish or community to which they apply or, in the case of a parish not having a council, to the chairman of the parish

meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community.

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A copy so deposited shall at all reasonable hours be open to public inspection without payment.

(10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.

(11) In this section the expression "the confirming authority" means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

237. Byelaws to which section 236 above applies may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof. **Offences against byelaws.**

238. The production of a printed copy of a byelaw purporting to be made by a local authority upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating— **Evidence of byelaws.**

- (a) that the byelaw was made by the authority ;
- (b) that the copy is a true copy of the byelaw ;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed ;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw ;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

PART XI

Miscellaneous provisions

Power to promote or oppose local or personal Bills.

239.—(1) Subject to the provisions of this Act, where a local authority, other than a parish or community council, are satisfied that it is expedient to promote, or any local authority are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.

(2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—

(a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority ; and

(b) in the case of the promotion of a Bill, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the Bill.

(3) For the purposes of subsection (2) above the requisite notice is thirty clear days' notice in the case of promotion of a Bill and ten clear days' notice in the case of opposition to a Bill.

(4) The power conferred on a local authority by subsection (1) above shall be in substitution for any power conferred on that authority by a local Act.

(5) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this section.

Provisional orders and orders subject to special parliamentary procedure.

240.—(1) Where the Secretary of State is authorised to make a provisional order under this Act or any enactment passed on or after 1st June 1934 (being the date of commencement of the 1933 Act), the following provisions shall have effect—

(a) before a provisional order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate ;

- (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Secretary of State may direct and at which all persons interested shall be permitted to attend and make objections ;
- (c) the Secretary of State may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament ;
- (d) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill.

(2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the preliminary inquiry, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Secretary of State, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order and shall be paid accordingly, and a local authority may borrow for the purpose of defraying any such costs.

(3) Where the Secretary of State is authorised to make an order under this Act which is subject to special parliamentary procedure or an order under any enactment passed on or after 1st June 1934 which is so subject by virtue of section 8(3) of the Statutory Orders (Special Procedure) Act 1945, the following provisions shall have effect—

1945 c. 18.
(9 & 10 Geo. 6).

- (a) before the order is made, notice of the purport of the application for the order shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the order will relate ;
- (b) the Secretary of State shall consider any objections to the application which may be made by any persons affected thereby and shall, unless he considers that for special reasons an inquiry is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as he may direct and at which all persons interested shall be permitted to attend and make objections.

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(4) Any order mentioned in subsection (1) or (3) above may repeal, revoke, modify or amend any Act confirming a provisional order or any order which has been subject to parliamentary procedure.

(5) At any time before submitting any order mentioned in subsection (1) or (3) above to Parliament, the Secretary of State may revoke the order, either wholly or in part.

(6) The making of any order mentioned in subsection (1) or (3) above shall be prima facie evidence that all the requirements of this section and any other enactment with respect to the steps to be taken before the making of the order have been complied with.

(7) Subsections (3) to (6) above shall be included among the enactments which may be adapted or modified by an Order in Council under section 8(3) of the Statutory Orders (Special Procedure) Act 1945.

1945 c. 18.
(9 & 10 Geo. 6.)

Power to
apply
provisions of
Act to joint
boards, etc.

241. Where any enactment, whether passed before or after 1st April 1974, authorises the formation by a provisional or other order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act.

Effect of
inaccurate
description.

242. No misnomer or inaccurate description of any person or place named in any voting paper or notice relating to an election under Part I or II of this Act shall affect its full operation with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

Computation
of time and
timing of
elections, etc.

243.—(1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.

(2) Subsection (1) above applies to any provision of this Act or of an instrument under this Act, except a provision in Part IX or X or a provision of rules under section 42 above or paragraph 18 or 34 of Schedule 12 to this Act.

(3) Where under subsection (1) above the day of election or the day of a poll consequent on a parish or community meeting

is postponed, the day to which it is postponed shall be treated for the purposes of this Act as the day of election or of the poll, as the case may be.

(4) In computing any period of time for the purpose of any rules mentioned in subsection (2) above or for the purposes of section 44(1) or 89(1) above any day specified in subsection (1) above shall be disregarded, but where between the giving of a notice of election or of the poll and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.

(5) Subsection (4) above, so far as it relates to any such rules, shall have effect subject to the provisions of those rules.

244.—(1) The Secretary of State shall, as regards every local authority, exercise any power conferred on the Treasury by any local or private Act passed before 4th August 1906 with respect to dealings with property, loans and matters connected therewith, and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.

Saving of transfer of certain powers under local Acts from Treasury to Secretary of State.

(2) If any question arises whether subsection (1) above applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final.

PART XII

MISCELLANEOUS AND GENERAL *Status, etc.*

245.—(1) If, on a petition presented to Her Majesty by the council of a district praying for the grant of a charter under this subsection, Her Majesty by the advice of Her Privy Council thinks fit so to do, She may by the charter confer on that district the status of a borough, and thereupon—

Status of certain districts, parishes and communities.

(a) the council of the district shall bear the name of the council of the borough ;

(b) the chairman and vice-chairman of the council shall respectively be entitled to the style of mayor and deputy mayor of the borough.

(2) A petition for a charter under subsection (1) above shall not be presented except on a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

(3) No charter under subsection (1) above shall take effect before 1st April 1974.

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(4) Where a petition is presented to Her Majesty before 1st April 1974 by the council of a district praying for the grant of a charter under subsection (1) above and it is signified on behalf of Her Majesty before that date that She proposes to accede to the petition and that She approves—

(a) the use for the district of any style previously belonging to an existing borough which on that date will become wholly or partly comprised in the district ; and

(b) the use for the chairman and vice-chairman of the council of the district of any style previously belonging to the mayor or deputy mayor of that borough ;

those styles may be so used as from 1st April 1974.

(5) A district which has the status of a borough, or for which the style of borough may be used, by virtue of the foregoing provisions of this section and the council of any such district shall not be treated as a borough or the council of a borough for the purposes of any Act passed before 1st April 1974.

(6) The council of a parish or community which is not grouped with any other parish or community may resolve that the parish or community shall have the status of a town and thereupon—

(a) the council of the parish or community shall bear the name of the council of the town ;

(b) the chairman and vice-chairman of the council shall be respectively entitled to the style of town mayor and deputy town mayor ;

(c) the parish meeting or a community meeting shall have the style of town meeting.

(7) A resolution under subsection (6) above shall cease to have effect if the parish or community to which it relates ceases to exist.

(8) If a parish or community council which has passed a resolution under subsection (6) above is dissolved without the parish or community ceasing to exist, the dissolution shall not affect the status of the parish or community or the application to it of paragraph (c) of that subsection and in England the parish trustees shall have the style of town trustees.

(9) A parish or community council by whom a resolution under subsection (6) above has been passed or, if the council has been dissolved, the parish meeting in England or a community meeting in Wales may resolve that the parish or community shall cease to have the status of a town and thereupon subsection (6)(a) to (c) above and subsection (8) above shall cease to apply to the parish or community.

(10) The foregoing provisions of this section shall have effect subject to any provision made by a grant under Her Majesty's

prerogative and, in particular, to any such provision granting the status of a city or royal borough or conferring the style of lord mayor, deputy lord mayor or right honourable.

PART XII

246.—(1) Any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of an existing city or borough shall belong on and after that date to the inhabitants of the area of the existing city or borough.

Preservation
of powers,
privileges
and rights
of existing
cities or
boroughs.

(2) A charter granted by Her Majesty under section 245 above with respect to a district may—

- (a) provide that any powers to appoint local officers of dignity exercisable immediately before 1st April 1974 by the corporation of an existing city or borough, the area of which becomes wholly or partly comprised by virtue of Part I or II of this Act in the district, shall be exercisable on the coming into force of the charter by the council of the district in relation to the whole or any part of the district ;
- (b) provide that any privileges or rights belonging immediately before 1st April 1974 to the citizens or burgesses of any such city or borough shall belong on the coming into force of the charter to the inhabitants of the whole or any part of the district ;
- (c) contain such incidental, consequential or supplementary provision as may appear to Her Majesty to be necessary or proper in connection with the aforesaid matters.

(3) Where by virtue of Part I or II of this Act, the area of an existing city or borough on 1st April 1974 becomes a parish in England or becomes a community in Wales having a separate community council, any powers to appoint local officers of dignity exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the parish or community council.

(4) Where by virtue of Part I or II of this Act the area of an existing city or borough on 1st April 1974 becomes wholly comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and that city or borough does not on that date become a parish in England or a community in Wales having a separate community council—

- (a) there shall as from that date be a body corporate by the name of “ the Charter Trustees of the City ” or “ the Charter Trustees of the Town ”, as the case may be, with the addition of the name of the existing city or borough, consisting of the district councillors for the wards wholly or partly comprising the area of

PART XII

the city or borough or, if the number of those councillors is less than three, consisting of those councillors and such number of local government electors for that area appointed by the district council as will make the number of charter trustees up to three ;

(b) the charter trustees may in every year elect one of their number to be city or town mayor and another to be deputy city or town mayor ; and

(c) any powers to appoint local officers of dignity exercisable immediately before that date by the corporation of the city or borough shall be exercisable on and after that date by the charter trustees.

(5) Where by virtue of Part I of this Act part of the area of an existing city or borough in England on 1st April 1974—

(a) becomes a parish ; or

(b) becomes comprised in a district not having the status, or entitled to the style, of a borough by virtue of subsection (1) or (4) of section 245 above and does not become a parish ;

the Secretary of State may by order provide that subsection (3) or (4) above, as the case may be, shall apply to that part of that area, but if the order so provides with the substitution for the name of the existing city or borough in question of a name specified in the order.

(6) Subsections (1), (3) and (4) above and any order under subsection (5) above shall have effect subject to any provision made by a grant under Her Majesty's prerogative or any provision of a charter granted by Her Majesty under section 245 above and any other provision of this Act or an instrument thereunder, and a charter under subsection (2) above shall have effect subject to any provision made by any such grant or any other provision of this Act or an instrument thereunder.

(7) If a charter is granted under that section to the council of a district, any charter trustees constituted under subsection (4) above for an area comprised in that district shall be dissolved and paragraphs (b) and (c) of that subsection shall cease to apply to that area.

(8) If an area or part of an area for which charter trustees have been constituted under subsection (4) above becomes, or becomes comprised in, a parish or a separate community council is established for a community consisting of such an area, that subsection shall cease to apply to the area or part and accordingly the charter trustees shall cease to act therefor.

(9) Where charter trustees have been constituted for an area which is altered by an order under Part IV of this Act and neither subsection (7) nor subsection (8) above applies in relation to the alteration, the order may make such provision with respect to the charter trustees as may appear to the Secretary of State to be appropriate.

(10) The sums required to meet the expenses of charter trustees shall be chargeable on, but only on, the area for which the charter trustees act, and for the purpose of obtaining those sums the charter trustees shall issue precepts to the council of the district in which that area is situated.

(11) Where the amount of the income received by charter trustees in any year from their property exceeds any expenditure incurred in connection with that property, they shall pay the excess to the rating authority for the rating area in which the area for which the charter trustees act is situated to be credited to the last-mentioned area.

(12) Every cheque or other order for the payment of money by charter trustees shall be signed by two of them.

(13) Charter trustees shall keep such accounts as may be prescribed of their receipts and payments.

(14) Sections 15(5) and 34(5) above shall apply in relation to a city or town mayor holding office by virtue of this section as they apply to the chairman of a parish or community council.

(15) Sections 154 to 168 above and section 228 above, except subsection (5), shall apply in relation to charter trustees as if the charter trustees were the council of a parish or community consisting of the area for which they act.

(16) Sections 173 to 178 above shall apply in relation to charter trustees as if the charter trustees were the members of the council of a parish or community consisting of the area for which they act.

247.—(1) Subject to subsection (2) below, Her Majesty may by Order in Council authorise any new local authority specified in the Order to bear and use any armorial bearings which may be so specified and which, immediately before 1st April 1974, were lawfully borne and used by an existing local authority which ceases to exist by virtue of section 1 or section 20 above.

Transfer of
armorial
bearings from
old to new
authorities.

(2) An Order in Council under this section shall provide that before any armorial bearings of an existing local authority may be borne and used by a new local authority in accordance with the Order, they shall be exemplified according to the laws of arms and recorded in the College of Arms.

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Freemen and
inhabitants
of existing
boroughs.

248.—(1) Subject to the following provisions of this section, nothing in this Act shall affect any person's status, or the right of any person to be admitted, as a freeman of a place which is an existing borough; and in this section any such place is referred to as a city or town.

(2) On and after 1st April 1974 the roll of freemen of a city or town shall be kept by the proper officer of the relevant district council, that is to say, the council of the district which comprises the whole or the greater part of the city or town.

(3) If at any time on or after 1st April 1974 any person claims to be admitted as a freeman of a city or town, his claim for admission shall be examined by the chairman of the relevant district council, as defined in subsection (2) above, and, if the person's claim is established, his name shall be entered on the roll of freemen of that city or town.

(4) After 31st March 1974—

- (a) a freeman of a city or town,
 - (b) any person who by marriage, descent, employment or otherwise is or has been related to or associated with a freeman of a city or town, and
 - (c) any person who is or has been related by marriage to the widow or a child of a freeman of a city or town,
- shall have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed on that date by a freeman of that city or town, by a person correspondingly related to or associated with such a freeman or, as the case may be, by a person correspondingly related by marriage to the widow or a child of such a freeman.

(5) A person who is on 1st April 1974, or becomes thereafter, an inhabitant of a city or town shall, as such, have and enjoy the same rights, whether in respect of property or otherwise, as were held and enjoyed immediately before that date by an inhabitant of that city or town.

Honorary
aldermen and
freemen.

249.—(1) A principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then councillors of the council.

(2) No honorary alderman shall, while serving as a councillor of the council, be entitled to be addressed as alderman or to attend or take part in any civic ceremonies of the council as an alderman.

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(3) Services rendered to the council of an existing county, county borough, borough or urban or rural district the area of which becomes wholly or partly included in a new county or district shall be treated for the purposes of subsection (1) above as services rendered to the council of the new county or district, as the case may be.

(4) An honorary alderman of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right—

(a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or

(b) to receive any such allowances or other payments as are payable under sections 173 to 176 above.

(5) The council of a London borough or a district having the status of a city, borough or royal borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the city, borough or royal borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the city, borough or royal borough, but the admission of a person to be an honorary freeman shall not confer on him any such rights as are referred to in section 248(4) above.

(6) The council of a London borough or a district which has the status of a city, borough or royal borough may spend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person upon whom they have conferred the title of honorary alderman or admitted to be an honorary freeman of the city, borough or royal borough.

Inquiries

250.—(1) Where any Minister is authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act, and where the Secretary of State is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, he may cause a local inquiry to be held. Power to direct inquiries.

(2) For the purpose of any such local inquiry, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to

PART XII give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make a solemn affirmation :

Provided that—

(a) no person shall be required, in obedience to such summons, to attend to give evidence or to produce any such documents, unless the necessary expenses of his attendance are paid or tendered to him ; and

(b) nothing in this section shall empower the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.

(3) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both.

(4) Where a Minister causes an inquiry to be held under this section, the costs incurred by him in relation to the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by such local authority or party to the inquiry as he may direct, and the Minister may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by any authority or person shall be recoverable from that authority or person by the Minister summarily as a civil debt.

(5) The Minister causing an inquiry to be held under this section may make orders as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid, and every such order may be made a rule of the High Court on the application of any party named in the order.

(6) This section shall extend to local inquiries held by the Secretary of State under the provisions of the Local Government Act 1929 or the Ferries (Acquisition by Local Authorities) Act 1919.

1929 c. 17.
1919 c. 75.

General

Consequential
and minor
modifications
and
amendments.

251.—(1) Part I of Schedule 29 to this Act shall have effect for the purpose of making general adaptations of enactments, being adaptations which are consequential on the foregoing provisions of this Act.

(2) The enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in that Part, being modifications and amendments which are consequential on the foregoing provisions of this Act and minor amendments.

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252.—(1) Her Majesty may at any time, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in Council coming into force not earlier than 1st April 1974 make modifications of any enactment contained in any other public general Act passed before that date or any instrument made before that date under any such Act, being an instrument of a legislative character and not being an instrument in the nature of a local enactment, as may appear to Her to be necessary to make that enactment or instrument apply in relation to any particular class of new authority as it applies in relation to any particular class of local authority existing immediately before that date.

General power to adapt Acts and instruments.

(2) The modifications which may be made by an Order in Council under this section shall be in addition to those made by any other provision of this Act, but shall have effect subject to any such other modification, except those made by section 179 above.

(3) No Order in Council shall be made under this section unless a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament.

253.—(1) Any functions of any such public body as is specified in subsection (2) below may with their approval be transferred by an order made by the Secretary of State to any local authority whose area comprises the district of that body, or jointly to two or more local authorities whose areas together comprise that district.

Transfer of powers of certain public bodies.

(2) This section applies to the following public bodies, that is to say, any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, or for providing or maintaining a cemetery or market in any place.

(3) Any order under this section may contain such incidental, consequential, transitional and supplementary provision as may appear to the Secretary of State to be necessary or proper; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this section "local authority" includes the Common Council.

PART XII
Consequential
and
supplementary
provision.

254.—(1) The Secretary of State or any appropriate Minister may at any time by order make such incidental, consequential, transitional or supplementary provision as may appear to him—

- (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto ; or
- (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act ;

and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(2) An order under this section may in particular include provision—

- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities ;
- (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of, any authority affected by this Act or any two or more bodies who include such an authority ;
- (c) for applying with or without modifications, or amending, repealing, or revoking, with or without savings, any provision of an Act passed or an instrument under an Act made before 1st April 1974 and for making savings or additional savings from the effect of any repeal made by this Act ;
- (d) for any of the matters specified in section 67 above ;
- (e) without prejudice to paragraph (d) above, for dissolving any body corporate established by any Act passed or by any instrument under an Act made before 1st April 1974 ;
- (f) for requiring the council of a new county, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout any new district in the county is gradual, to issue as respects a limited period beginning on 1st April 1974 precepts specifying different amounts in the pound which are to be levied as rates for general county purposes on different parts of the new county (whether the whole or part of an existing county included therein or a county borough so included) and which are to be determined by reference to the circumstances of those parts before that date ;

- (g) for requiring, with that view and taking account of any requirements imposed by virtue of paragraph (f) above, the council of a new district to make and levy during a limited period beginning on 1st April 1974 differential rates determined by reference to the circumstances of existing rating areas wholly or partly included in the district ;
- (h) for treating anything duly done before 1st April 1974 by any authority in the exercise of functions which on and after that date become functions of some other authority as having, from that date, been duly done by that other authority and for treating any instrument made before that date, if or so far as it was made in the exercise of those functions, as continuing in force on and after that date until varied or revoked in the exercise of those functions by that other authority ;
- (i) for securing the continued discharge of functions in relation to the Confederation of the Cinque Ports and its courts (including so far as is necessary for that purpose, provision for the constitution of a body to replace any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to or in relation to the Confederation or any of its courts may continue to be done.
- (3) Subject to subsection (5) below any of the following things done or treated by virtue of any enactment as having been done by or to or in relation to an existing local authority outside Greater London in connection with the discharge of any of their functions, that is to say—
- any written agreement or other instrument in writing or any determination or declaration made or treated as made by such an authority,
 - any notice or direction given or treated as given by or to such an authority,
 - any licence, permission, consent, approval, exemption, dispensation or relaxation granted or treated as granted by or to such an authority,
 - any application, proposal or objection made or treated as made by or to such an authority,
 - any condition or requirement imposed or treated as imposed by or on such an authority, or
 - any appeal allowed by or in favour of or against such an authority,

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shall, as from 1st April 1974, be treated as having been done by, to or in relation to the new local authority by whom those functions become exercisable on and after that date by or by virtue of this Act, and any such thing shall as from that date have effect as if any reference therein to a specified existing local authority outside Greater London by whom those functions were exercisable before that date were a reference to the new local authority by whom those functions become exercisable.

(4) If there is any doubt as to the identity of a local authority to whom any particular functions are so transferred, that authority shall be taken to be such authority as may be specified in a direction given by a Minister of the Crown concerned with the discharge of those functions.

(5) Subsection (3) above is without prejudice to any express provision made by, or by any instrument made under, this Act, but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State by statutory instrument.

(6) Section 68 above shall apply for the purposes of Parts I and II, section 214(1)(b) and this Part of this Act as if any reference to an order under Part IV of this Act included a reference to any provision of Part I or II of this Act or to section 214(1)(b) of this Act or to any provision of any instrument made under Part I or II or this Part of this Act.

(7) A local authority to whom any charters or insignia of a borough abolished by Part I or II of this Act have been transferred by virtue of subsection (2)(a) above shall if practicable preserve them in the area of the borough as it existed immediately before 1st April 1974.

(8) An order under this section which extends the area for which any local statutory provision is in force shall be provisional only.

(9) Any statutory instrument containing any other order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfer of officers.

255.—(1) Any of the following instruments under any of the provisions of this Act, that is to say an order under section 9, 10, 11, 27, 28 or 29, regulations or an order under section 67 or an order under section 198, 200, 201 or 254 may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.

(2) In the case of any person who on 31st March 1974 is in the employment of one or more local authorities who are or include a council or municipal corporation which ceases to exist by virtue of section 1 or 20 above, the Secretary of State shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 1 or 20, that person would apart from the order cease on 1st April 1974 to be in such employment, that person is transferred on 1st April 1974 to the employment of such local authority as may be specified in or determined under the order.

(3) Any such order or regulations as is or are referred to in subsection (1) or (2) above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—

(a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and

(b) the said new terms and conditions are such that—

(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and

(ii) the other terms and conditions of his employment,

are not less favourable than those which he enjoyed immediately before the date of transfer.

(4) Subsections (2) and (3) above shall apply in relation to—

(a) a police authority,

(b) a burial board, joint burial board or joint committee which ceases to exist by virtue of section 214 above,

(c) any prescribed association of local authorities the constituent members of which include councils falling within subsection (2) above, and

(d) any prescribed association of committees of local authorities the constituent members of which include committees of councils falling within subsection (2) above,

as they apply in relation to a local authority who are a council which ceases to exist by virtue of section 1 or 20 above, but in their application to police authorities shall have effect as if any reference to a person in the employment of an authority were a reference to the civilian employees of a police authority.

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(5) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Continuity of employment in cases of voluntary transfer.

256.—(1) This section applies to a person if—

- (a) at some time before 1st April 1974, or on that date but otherwise than by virtue of provision made by an order under section 255 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and
- (b) had he continued until 1st April 1974 in the employment (in this section referred to as “his previous employment”) which he last held before he entered his new employment or (if he did so continue) had he then ceased to be in that employment by reason only of section 1 or 20 above, provision would have been made by an order under section 255(2) above for his transfer on that date to the employment of a specified local authority.

1971 c. 72.
1972 c. 53.

(2) Where this section applies to a person, then for the purposes of section 28 of the Industrial Relations Act 1971 (qualifying period for protection from unfair dismissal) and section 1 of the Contracts of Employment Act 1972 (minimum periods of notice)—

- (a) the period of employment in his previous employment shall count as a period of employment in his new employment, and
- (b) the change of employment shall not break the continuity of the period of employment.

Staff commission for England.

257.—(1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for England for the purpose of—

- (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act ;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of,

or of any instrument made under, this Act as may be referred to the commission by the Secretary of State ; and

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- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.

(2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.

(3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.

(4) In this section "relevant authority" means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a Passenger Transport Executive, police authority, burial board or joint burial board.

258.—(1) The Secretary of State, after consulting with such bodies representative of existing local authorities or of staff employed by such local authorities as appear to him to be concerned, shall, not later than one month after the passing of this Act, establish a staff commission for Wales for the purpose of—

Staff
commission
for Wales.

- (a) considering and keeping under review the arrangements for the recruitment of staff by relevant authorities, and for the transfer in consequence of the provisions of this Act or any instrument made under it of staff employed by relevant authorities which cease to exist by virtue of this Act ;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Secretary of State ; and
- (c) advising the Secretary of State on the steps necessary to safeguard the interests of such staff.

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(2) The Secretary of State may give directions to the staff commission as to their procedure and to any relevant authority with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by a new local authority of any expenses incurred by the commission in doing anything requested by the authority.

(3) Any expenses incurred by the staff commission under this section and not recovered from a local authority shall be paid by the Secretary of State.

(4) In this section "relevant authority" means a local authority within the meaning of the 1933 Act or this Act, a joint board on which, or a joint committee on which, a local authority or parish meeting are represented, an association of local authorities or of committees of local authorities prescribed under section 255(4) above, or a police authority, burial board or joint burial board.

Compensation
for loss of
office.

259.—(1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.

(2) Regulations under this section may—

- (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,
- (b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,
- (c) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than the date of their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

(3) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to any transfer or relinquishment of functions under any of the provisions of the Public Health Act 1936 c. 49, 1936 which are incorporated in the Food and Drugs Act 1955.

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(4) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who are or, but for any such service by them as may be prescribed, would be employees of any such association of local authorities or of committees of local authorities as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government effected by this Act; and, without prejudice to subsection (2) above, regulations under this section making any such provision may provide that any compensation paid under the regulations by the appropriate Minister shall be recoverable by him in accordance with the regulations from such association or other body as may be prescribed by or determined under the regulations.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

260.—(1) In order to facilitate the early retirement of certain persons who might otherwise suffer such loss of employment or loss or diminution of emoluments as is referred to in section 259(1) above, any person who—

Provision for early retirement in lieu of compensation for loss of office.

- (a) is the holder of any such office or is in any such employment as may be prescribed for the purposes of this subsection, and
- (b) attains or has attained the age of fifty on or before 31st March 1974, and
- (c) fulfils such other conditions as may be prescribed,

may by notice given before the prescribed date and in the prescribed manner elect that this section shall, and that section 259 above shall not, apply to him.

(2) Where any person has made an election under subsection (1) above, then unless, within the period of one month beginning on the day on which the notice of election is given, notice of objection to that election has been given to him by the body under whom he holds office or by whom he is employed, this

PART XII section shall, and section 259 above shall not, apply to him on his retirement within the prescribed period and before attaining the normal retiring age.

(3) Subject to subsection (4) below, the Secretary of State shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations to or in respect of a person to whom this section applies of benefits corresponding, as near as may be, to those which would have been paid to or in respect of that person under the relevant superannuation scheme if—

- (a) at the date of his retirement he had attained the normal retiring age ; and
- (b) the actual period of his reckonable service were increased by such period as may be prescribed, being a period not exceeding the period beginning on the date of his retirement and ending on the date on which he would attain the normal retiring age.

(4) Regulations under subsection (3) above shall be so framed as to secure that the sums which would otherwise be payable under the regulations in accordance with that subsection to or in respect of any person are reduced to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.

1972 c. 41. (5) Any sums payable under regulations made under subsection (3) above shall be treated for the purposes of section 73 of the Finance Act 1972 (compensation for loss of office or employment chargeable to tax as a payment made on retirement or removal from office or employment) in like manner as compensation paid under section 259 above.

(6) In this section—

“ normal retiring age ” means—

(a) in relation to any person to whom an age of compulsory retirement applies by virtue of the relevant superannuation scheme, that age, and

(b) in relation to any other person, the age of sixty-five in the case of a man and sixty in the case of a woman or, in either case, such other age as may be prescribed ;

“ reckonable service ”, in relation to any person, means service in respect of which benefits are payable under the relevant superannuation scheme ; and

“relevant superannuation scheme”, in relation to any person, means the instrument which is applicable in the case of his office or employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that office or employment. PART XII

(7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

261.—(1) For the purposes of this section the Secretary of State may designate such body appearing to him to be representative of local authorities as he considers appropriate (in this section referred to as “the advisory body”) to consider any increase made or proposed to be made by an existing local authority outside Greater London in the remuneration of any of their employees. Remuneration of employees of existing local authorities outside Greater London.

(2) For the purpose of enabling them to carry out their functions under this section, the advisory body shall consult and seek information from new and existing local authorities outside Greater London; and, if requested to do so by the advisory body, the Secretary of State may give a direction to any such local authority requiring them to furnish to the advisory body such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of the local authority as may be so specified.

(3) If it appears to the advisory body that an existing local authority outside Greater London has fixed or proposes to fix for any employee or class of employee of theirs a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees, they shall notify the local authority concerned and recommend to them the rate of remuneration which should be paid to the employee or class of employees concerned.

(4) If it appears to the advisory body that an existing local authority outside Greater London to whom they have made a recommendation under subsection (3) above are not complying with that recommendation, then, after giving notice in writing to

PART XII the local authority concerned of their intention to do so, they may refer the matter to the Secretary of State, and on such a reference the Secretary of State, after consultation with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned, may give a direction to that local authority requiring them, with effect from such date as may be specified in the direction (not being earlier than the date on which notice was given to them by the advisory body), to pay such employee or class of employees of theirs as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.

(5) It shall be the duty of any local authority to whom a direction is given under subsection (2) or subsection (4) above to comply with the direction.

(6) If at any time in the period of three months beginning on 1st April 1974 it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of an existing local authority outside Greater London was such that, if that authority had not ceased to exist, the advisory body would have made a recommendation to the authority under subsection (3) above or, having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above, they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employees or class of employees concerned immediately before 1st April 1974, or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the local authority concerned.

(7) On receiving a report under subsection (6) above the Secretary of State may, after such consultation as is specified in subsection (4) above, by order provide that, for the purposes of the provisions of this Act relating to transfer of officers and compensation for loss of office, the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving, immediately before 1st April 1974 or such earlier date as may be specified in the report, remuneration at the rate stated in the report and specified in the order, but no order shall be made under this subsection after the end of September 1974.

(8) Nothing in this section—

(a) shall apply to the remuneration payable to teachers by local education authorities, or

- (b) shall empower the Secretary of State to give a direction requiring a local authority to pay any employee, or to make an order deeming any employee to have been receiving remuneration at a rate below that to which he was entitled on 8th March 1972.

262.—(1) Subject to subsection (2) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

- (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date ;
- (b) have effect subject to any necessary modifications and to the modifications made by subsections (3) to (5) below ;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) Subsection (1) above shall have effect subject to the provisions of—

- (a) this Act, other than Part I of Schedule 29 ;
- (b) any Act passed after this Act and before 1st April 1974 ; and
- (c) any order made under section 254 above or the following provisions of this section.

(3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 1st April 1974 or to their area there were substituted a reference to the authority by whom those functions are exercisable on and after that date or, as the case may be, to so much of the area of the latter authority as comprises the area of the former authority or any part thereof.

(4) In any local statutory provision to which this section applies and which does not fall within subsection (3) above—

- (a) for any reference to an existing county or its council there shall be substituted a reference to so much of the new county or counties as comprises the area of the

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existing county or any part thereof or, as the case may be, the council of that new county or the councils of those new counties ;

- (b) for any reference to an existing county borough or county district or the council of either there shall be substituted a reference to so much of the new district or districts as comprises the area of the existing borough or district or any part thereof or, as the case may be, the council of that new district or the councils of those new districts.

(5) In any local statutory provision to which this section applies which has effect in an area in Wales and which does not fall within subsection (3) above—

- (a) for any reference to a rural parish there shall be substituted a reference to the corresponding community ;
- (b) for any reference to the council of any such parish which has a council, whether separate or common, there shall be substituted a reference to the council of the corresponding community ; and
- (c) for any reference to the parish meeting of any such parish which has no council there shall be substituted a reference to the council of the new district which comprises the corresponding community.

(6) Subsections (3) to (5) above shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of any of those subsections where it would otherwise conflict with any provision of the order.

(7) So much of any local statutory provision—

- (a) as confers functions on the Secretary of State with respect to the determination of tolls or other charges with respect to any fair, or
- (b) as requires the submission to the Secretary of State of, or of proposals relating to, any scale of tolls or other charges with respect to any fair,

shall cease to have effect.

(8) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 254 above, the Secretary of State or any appropriate Minister may by

that order, or in the case of a provision continued as aforesaid, by an order under this subsection—

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- (a) extend the provision throughout the new local government area in which it is continued in force ;
- (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act ;
- (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area ;
- (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies ;
- (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provision of this Act except section 254 above and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act ;
- (f) without prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.

(9) All local statutory provisions to which this subsection applies shall cease to have effect in metropolitan counties at the end of 1979 and elsewhere at the end of 1984, but—

- (a) the Secretary of State or any appropriate Minister may by order exempt any such provision from the foregoing provision of this subsection ;
- (b) the Secretary of State may from time to time by order postpone the date on which all the local statutory provisions applying to the whole or part of any local government area, so far as they so apply, are to cease to have effect under this subsection.

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(10) An order under subsection (8) above which extends the area for which any local statutory provision is in force shall be provisional only.

(11) An instrument containing any other order under subsection (8) above or an order under subsection (9) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(12) This section applies to any local statutory provision which is in force wholly outside Greater London (except in the Isles of Scilly) and so much of any local statutory provision which is in force partly in Greater London as is in force outside Greater London, being in either case a provision in force immediately before 1st April 1974 and not expressly repealed or revoked by this Act, and subsection (10) above applies to any such local statutory provision of the following descriptions—

(a) a provision of a local Act, the Bill for which was promoted by a local authority ;

(b) a provision of an Act confirming a provisional order made on the application of a local authority ;

(c) a provision of an order made on such an application which was subject to special parliamentary procedure ;

not being—

(i) a provision by virtue of which functions are exercisable by a joint board continued in existence by virtue of section 263 below,

(ii) a provision relating to a statutory undertaking,

(iii) a provision relating to any person's status, or the right of any person to be admitted, as a freeman of any place or the rights of any person by virtue of any relationship or association with such a freeman,

(iv) a protective provision for the benefit of any person, or

1938 c. xciii.

(v) a provision contained in the Green Belt (London and Home Counties) Act 1938.

(13) In subsection (12) above "local authority" means—

(a) the council of an administrative county, urban district or rural district ;

(b) the municipal corporation of a borough acting by the council of that borough ;

(c) any commissioners, trustees or other persons invested by any local Act with powers of town government or rating ;

1848 c. 63.

1858 c. 98.

1861 c. 61.

1863 c. 17.

(d) any local board constituted in pursuance of the Public Health Act 1848, the Local Government Act 1858, the Local Government (1858) Amendment Act 1861 or the Local Government Amendment Act 1863 ; or

- (e) without prejudice to the foregoing any body of persons constituted or designated as an urban or rural sanitary authority under the Public Health Act 1875 ; PART XII
1875 c. 55.

and "statutory undertaking" means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any telephone undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power, water or district heating.

263.—(1) Subject to the following provisions of this section, Existing where an existing joint board, every constituent member of joint boards which is a local authority, was constituted by or under any and enactment for exercising functions for any united district or committees and port other area (not being a port health district), then, notwithstanding health and port health districts. the change of areas and authorities effected by Parts I and II of this Act, the board shall continue to exist on and after 1st April 1974 and to exercise for that area the same functions as before that date (to the exclusion of new local authorities).

(2) Subsection (1) above shall not apply to a joint board constituted for an area which on 1st April 1974 will be wholly within the area of a single new local authority if the board was constituted for the purpose of exercising functions which on and after that date would (apart from the existence of the board) be exercisable by that local authority, whether or not the board has additional functions which, apart from this section, would not be so exercisable; and accordingly in any such case—

- (a) the functions of the board shall on 1st April 1974 become functions of that new local authority; and
- (b) the joint board shall cease to exist on that date.

(3) Subject to the following provisions of this section, where a port health district was constituted by an order under Part I of the Public Health Act 1936 or an enactment replaced by 1936 c. 49. that Part and an existing local authority or an existing joint board, every constituent member of which is a local authority, is the port health authority for that district, then, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, the district shall continue to exist as a port health district on and after 1st April 1974 and—

- (a) if on that date a single new local authority will become the riparian authority in relation to that district, then on that date that authority shall become the port health authority for that district and any existing joint board constituted for that district shall cease to exist; and

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(b) if on that date two or more new local authorities will become riparian authorities in relation to that district then, if the existing port health authority is a joint board, that board shall continue to exist and to be the port health authority for that district, but otherwise the new local authority whose area comprises or, as the case may be, abuts on the greater part of that district shall be the port health authority for that district.

(4) Any question as to which authority's area comprises or abuts on the greater part of a port health district shall be resolved by the Secretary of State.

(5) Any existing joint committee constituted under section 91 of the 1933 Act or by or under any other enactment for the purpose of exercising functions for an area which on 1st April 1974 will lie within the areas of two or more new local authorities by whom those functions would apart from this subsection become exercisable on that date shall, notwithstanding the change of areas and authorities effected by Parts I and II of this Act, continue to exist on and after that date as if appointed under Part VI of this Act by those new authorities and shall exercise those functions for the area for which the committee exercised them before that date, without prejudice, however, to the power of those new authorities to make different arrangements for the discharge of those functions under that Part.

(6) The continuation in existence of any area or body by this section shall not prejudice any power conferred by any enactment to amend or revoke the order constituting the area or body or the power to make provision with respect to the body conferred by section 254 above.

(7) Subsections (1) and (2) above shall not apply to any area wholly situated in Greater London or to a joint board for such an area, or to a joint planning board for a National Park, and subsections (3) and (4) above shall not apply to the Port of London.

(8) The following provisions shall have effect for the construction of references to a local statutory provision to which section 262 above applies:—

(a) any reference to an existing joint board which ceases to exist by virtue of this section, or any reference which is to be construed as such a reference, shall be construed as a reference to the local authority by whom the functions of that board will become exercisable by virtue of this section ;

(b) any reference to a united district or other area the existing joint board for which ceases to exist by virtue of subsection (2) above, or any reference which is to

be construed as such a reference, shall be construed as a reference to so much of the area of the new local authority by whom the functions formerly exercisable by the existing joint board become exercisable on 1st April 1974 as comprises the united district or other area for which the board acted; and

- (c) any reference to an existing local authority whose functions as port health authority become exercisable on 1st April 1974 by virtue of subsection (3) above by a new local authority, or any reference which is to be construed as such a reference, shall be construed as a reference to that new local authority.

(9) The foregoing provisions of this section shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and shall be without prejudice to any express provision so made.

264.—(1) In the case of each new principal area, the following existing local authorities, that is to say—

- (a) in the case of a new county, the councils of any counties and county boroughs which will be wholly or partly included in that new county; and
- (b) in the case of a new district, the councils of any county boroughs and county districts which will be wholly or partly included in that new district;

shall, as soon as practicable after the passing of this Act, establish a committee for the purpose of considering the matters mentioned in subsection (4) below.

(2) A committee established under this section shall consist of such number of representatives of the authorities by whom it is established as may be agreed between them or, in default of agreement, as may be determined by the Secretary of State, and also—

- (a) in the case of a committee relating to a new county, of such number of representatives of one or more of the councils of the existing county districts which will wholly or partly be included in the county as may be agreed between those councils and the authorities by whom the committee is established or, in default of agreement, as may be so determined; and
- (b) in the case of a committee relating to a new district, of such number of representatives of the council or councils of the existing county or one or more of the existing counties which will wholly or partly be included in the district as may be agreed between that

Committees of existing councils for consideration of certain matters.

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council or those councils and the authorities by whom the committee is established or, in default of agreement, as may be so determined.

(3) The members of a committee established under this section may co-opt other persons to serve as members of the committee in relation to all or to one or some of the matters mentioned in subsection (4) below.

(4) The matters referred to in subsections (1) and (3) above are—

- (a) the proposed arrangements for the election of the principal council concerned ;
- (b) in the case of a district, its name ;
- (c) the operation of any local statutory provisions passed with respect to an area which, in whole or in part, is included in the principal area concerned ;
- (d) matters to be dealt with under sections 110, 254 and 257 or 258 above ; and
- (e) any other matter which it is expedient should be considered before the election of the principal council concerned in order to ensure the effective operation of that council on and after 1st April 1974.

(5) Any expenses incurred by a committee established under subsection (1) above shall be defrayed by the local authorities by whom the committee was established in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.

Application
of Act to
Isles of Scilly.

265.—(1) There shall continue to be a council for the Isles of Scilly to be known as the Council of the Isles of Scilly.

(2) The Secretary of State may make an order providing for the constitution of the Council of the Isles of Scilly and otherwise for regulating the application of this Act to the Isles of Scilly and may on the application of the Council make an order providing for the exercise and performance there of any functions which are for the time being conferred or imposed on local authorities.

(3) Any order made under this section may—

- (a) apply to the Isles of Scilly any other public general Act relating to local government ;
- (b) provide for the contribution by the Isles of Scilly to Cornwall County Council in respect of costs incurred by the county council on matters specified in the order as benefiting the Isles of Scilly ;

(c) provide for all matters which appear to the Secretary of State necessary or proper for carrying the order into effect. PART XII

(4) Any order in force immediately before 1st April 1974 under section 292 of the 1933 Act (application of that Act to the Isles of Scilly) shall have effect as if made under this section and may be varied or revoked accordingly.

266.—(1) Any power to make orders, rules or regulations conferred on any Minister or the Treasury by any provision of this Act other than section 261 above or paragraph 3 of Schedule 3 or paragraph 2 of Schedule 5 to this Act shall be exercisable by statutory instrument. Orders,
rules and
regulations.

(2) Any power to make an Order in Council or other order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

267. There shall be defrayed out of moneys provided by Parliament— Expenses.

- (a) any expenses incurred by any Minister under this Act ;
and
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

268.—(1) The House of Commons Disqualification Act 1957 shall be amended in accordance with the following provisions of this section. Amendment
of House of
Commons
Disqualifica-
tion Act
1957.

(2) In Part II of Schedule 1, in its application to the House of Commons of the Parliament of the United Kingdom, the following entries shall be inserted at the appropriate places in alphabetical order— 1957 c. 20.

- “ The Local Government Boundary Commission for England ;
- The Local Government Boundary Commission for Wales ;
- The Staff Commission for England established under section 257 of the Local Government Act 1972 ;
- The Staff Commission for Wales established under section 258 of the Local Government Act 1972 ’.

(3) In Part III of Schedule 1, in its application to the House of Commons of the Parliament of the United Kingdom, the follow-

PART XII ing entries shall be inserted at the appropriate places in alphabetical order—

“ Assistant Commissioner appointed under Part IV of the Local Government Act 1972 ;

Registration Officer appointed under Part III of the Local Government Act 1972 ”.

(4) In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the following words shall cease to have effect, that is to say—

(a) in the sub-entry beginning “ Clerk or deputy clerk ”, the words “ of the council of a county in England and Wales, of the Greater London Council or ” and the words “ England and Wales or ” ; and

(b) in the sub-entry beginning “ Town clerk or deputy town clerk ”, the words “ of the City of London, of a borough in England and Wales or ”.

Meaning of “ England ” and “ Wales ”.

269. In every provision of this Act other than sections 1 and 20 above, in every Act passed on or after 1st April 1974, and in every instrument made on or after that date under any enactment (whether passed before, on or after that date), “ Wales ”, subject to any alteration of boundaries made under section 62 above, means the area consisting of the counties established by the said section 20 and “ England ” does not include any area included in any of those counties.

General provisions as to interpretation.

270.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“ appropriate Minister ”, in relation to the making of an order or regulation or the giving of a direction with respect to any matter, means the Minister in charge of any Government department concerned with that matter ; but the validity of any order, regulation or direction purporting to be made or given by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose ;

“ bank holiday break ” means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday ;

- “Christmas break” means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday ;
- “the City” means the City of London ;
- “Commission”, without more, means the English Commission or the Welsh Commission and “the Commissions” means both those Commissions ;
- “Common Council” means the Common Council of the City ;
- “county”, without more, means, in relation to England, a metropolitan county or a non-metropolitan county ;
- “district”, without more, means, in relation to England, a metropolitan district or a non-metropolitan district ;
- “Easter break” means the period beginning with the Thursday before and ending with the Tuesday after Easter Day ;
- “electoral area” means any area for which councillors are elected to any local authority ;
- “English Commission” has the meaning assigned to it by section 46 above ;
- “existing”, in relation to a local government or other area or a local authority or other body, except in sections 1 and 20 above, means that area or body as it existed immediately before the passing of this Act ;
- “financial year” means the period of twelve months ending with 31st March in any year ;
- “grouped”, in relation to a parish or community, means grouped by or by virtue of any provision of this Act or any previous corresponding enactment under a common parish or community council, and “grouping order” shall be construed accordingly ;
- “land” includes any interest in land and any easement or right in, to or over land ;
- “local authority” means a county council, the Greater London Council, a district council, a London borough council or a parish or community council ;
- “local government area” means—
- (a) in relation to England, a county, Greater London, a district, a London borough or a parish ;
 - (b) in relation to Wales, a county, district or community ;
- “local government elector” means a person registered as a local government elector in the register of electors

PART XII

in accordance with the provisions of the Representation of the People Acts ;

“ local statutory provision ” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act ;

“ new ”, in relation to any area or authority, means an area or authority established by or under this Act ;

1933 c. 51.

“ 1933 Act ” means the Local Government Act 1933 ;

1963 c. 33.

“ 1963 Act ” means the London Government Act 1963 ;

“ prescribed ” means prescribed by regulations made by the Secretary of State ;

“ principal area ” means a county, Greater London, a district or a London borough ;

“ principal council ” means a council elected for a principal area ;

“ public body ” includes—

(a) a local authority and a joint board on which, and a joint committee on which, a local authority or parish meeting are represented ;

(b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place ; and

(c) any other authority having powers of levying or issuing a precept for any rate for public purposes ;

and “ district ” means, in relation to a public body other than a local authority, the area for which the public body acts ;

“ special community review ” means a review under paragraph 1 of Schedule 10 to this Act ;

“ specified papers ”, in relation to a parish or community, means the public books, writings and papers of the parish or community (including any photographic copies thereof) and all documents directed by law to be kept therewith ;

“ the Temples ” means the Inner Temple and the Middle Temple ;

“ Welsh Commission ” has the meaning assigned to it by section 53 above. PART XII

(2) In this Act and in any other enactment, whether passed before, at the same time as, or after this Act, the expression “ non-metropolitan county ” means any county other than a metropolitan county, and the expression “ non-metropolitan district ” means any district other than a metropolitan district.

(3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.

(4) In any provision of this Act which applies to a London borough, except Schedule 2 to this Act,—

(a) any reference to the chairman of the council or of any class of councils comprising the council or to a member of a local authority shall be construed as or, as the case may be, as including a reference to the mayor of the borough ;

(b) any reference to the vice-chairman of the council or any such class of councils shall be construed as a reference to the deputy mayor of the borough ; and

(c) any reference to the proper officer of the council or any such class of councils shall be construed as a reference to the proper officer of the borough.

(5) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

271.—(1) Nothing in this Act shall affect the boundary of Savings. the area—

(a) for the supply of electricity of any Area Board within the meaning of the Electricity Act 1947 ; or 1947 c. 54.

(b) for the supply of water by a company, being statutory water undertakers within the meaning of the Water Act 1945 c. 42.

(2) Nothing contained in, or done by virtue of, any provision of this Act other than section 253 or section 254(2)(b) shall affect the functions of the conservators of any common.

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(3) The provisions of Part I of this Act shall not affect the continuance of the Confederation of the Cinque Ports.

(4) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal Prerogative.

(5) Except as provided by Part X of this Act, nothing in this Act shall prejudice any right, duty or privilege of Her Majesty in right of the Duchy of Lancaster.

Repeals.

272.—(1) The enactments specified in Schedule 30 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.

1889 c. 63.

(2) Without prejudice to section 38(1) of the Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under section 252, 254, 255, 259 or 262 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

Commencement.

273.—(1) The provisions of this Act to which this subsection applies shall, except so far as brought into force earlier by an order under subsection (2) below, come into force on 1st April 1974.

(2) The Secretary of State may by order appoint an earlier date for the coming into force of any provision to which subsection (1) above applies and different days may be appointed under this subsection for different purposes and, in particular, different days may be so appointed for the coming into force of the same provision in different areas.

(3) Subsection (1) above applies to the following provisions of this Act, that is to say—

sections 13, 16(1) and (3) and 17 ;

section 40 ;

section 48(8) and (9) ;

section 50(4) to (7) ;

sections 53 to 59 and Schedule 8 ;

section 62 ;

section 75 ;
section 89(6) ;
section 100 ;
Parts VI to XI, except as provided by subsections (4) and (5) below ;
section 251 and Schedule 29 ;
section 262(3) to (7) ;
section 272 and Schedule 30 ;
paragraphs 5 to 9 and 10(2) of Schedule 6 ;
in Schedule 12, Parts II and III, and Part VI so far as applicable to parish councils.

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(4) Subsection (1) above shall not apply to the following provisions of Parts VI to XI of this Act, that is to say—

sections 104 and 106 ;
section 110 ;
section 117 ;
section 138 ;
section 169 ;
section 181(3) to (9) and (11) ;
so much of section 183 as confers a power to make or direct the making or amendment of development plan schemes and so much of section 182 as applies to the interpretation of the provisions relating to such schemes ;
section 186(6) and (7) ;
section 190(4) ;
section 192(3) ;
section 196(6) to (9) ;
section 197(2) and (3) ;
section 198(3) and (4) ;
section 200 ;
section 201(3) and (4) ;
section 202(4) to (8) ;
section 205 ;
section 207(2) to (8) ;
section 215(4) ;
section 220(4) ;
section 232 ;

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section 242 ;

section 243 ;

paragraph 27(2) of Schedule 13 and so much of section 172 as relates thereto.

1889 c. 63.

(5) Without prejudice to section 37 of the Interpretation Act 1889, any provision of Part IX or X of this Act—

(a) which empowers or requires any person to make any arrangements or any instrument with respect to the exercise of functions under any such provision or with respect to the setting up of any body of persons or the appointment of persons to any office or employment with a view to exercising any such functions or with respect to the deployment of officers in connection with the exercise of such functions ;

(b) which empowers or requires any person to give directions, take steps or make representations with respect to any such arrangements or instrument ; or

(c) which amends or applies any enactment which empowers or requires any person to make any such arrangements or instrument ;

shall come into force so as to enable those functions to be exercised in accordance with the arrangements or instrument on 1st April 1974.

(6) Sections 80 to 90, 92, 93, 104 and 106 above shall not apply to the Greater London Council or members of that council before the day on which the councillors of that council elected at the first ordinary elections of such councillors after the passing of this Act come into office.

(7) Sections 80 to 90, 92, 104 and 106 above shall not apply to a London borough council or the members of any such council before 1st April 1974.

(8) The following provisions shall have effect with respect to parish councils in England and the members of such councils :—

(a) sections 44(4) and 91 above shall not apply to them before 1st April 1974 ;

(b) sections 80 to 90, 92, 104 and 106 above shall not apply to them before the day on which parish councillors elected at those elections come into office ; and

(c) sections 94 to 98 above shall not apply to them before 1st April 1974.

(9) Part V of this Act shall not apply to existing parish councils in Wales or to members of such councils.

(10) Sections 104 and 106 above shall not apply to members of the Common Council before the day on which any common councilmen elected at the first ordinary election of common councilmen after the passing of this Act come into office. PART XII

274.—(1) This Act may be cited as the Local Government Act 1972. **Short title
and extent.**

(2) Except for section 268 above, paragraph 35 of Schedule 29 to this Act and the repeals made by this Act in the House of Commons Disqualification Act 1957 and any enactment amending that Act, this Act shall not extend to Scotland. 1957 c. 20.

(3) Except for section 268 above and the said repeals, this Act shall not extend to Northern Ireland.

SCHEDULES

Section 1.

SCHEDULE 1

COUNTIES AND METROPOLITAN DISTRICTS IN ENGLAND

PART I

METROPOLITAN COUNTIES AND METROPOLITAN DISTRICTS

(1) Name of county	(2) Area by reference to existing administrative areas
Greater Manchester	<p><i>District (a)</i> The county borough of Wigan. In the administrative county of Lancaster— the borough of Leigh; the urban districts of Abram, Aspull, Atherton, Hindley, Ince-in-Makerfield, Orrell, Standish-with-Langtree and Tyldesley; the urban district of Ashton-in-Makerfield, except the ward in Merseyside; the urban district of Golborne, except the wards in Cheshire; in the urban district of Billinge-and-Winstanley, the Billinge Higher End ward and the Winstanley ward except the detached parts; in the rural district of Wigan, the parishes of Haigh, Shevington and Worthington.</p> <p><i>District (b)</i> The county borough of Bolton. In the administrative county of Lancaster— the borough of Farnworth; the urban districts of Blackrod, Horwich, Kearsley, Little Lever and Westhoughton; in the urban district of Turton, the Bradshaw North, Bradshaw South, Bromley Cross and Eagley wards and so much of the Egerton ward as lies south of the boundary referred to in paragraph 3 of Part III of this Schedule.</p> <p><i>District (c)</i> The county borough of Bury. In the administrative county of Lancaster— the boroughs of Prestwich and Radcliffe; the urban districts of Tottington and Whitefield; in the urban district of Ramsbottom, the Central, East, South and West wards,</p> <p><i>District (d)</i> The county borough of Rochdale. In the administrative county of Lancaster— the boroughs of Heywood and Middleton; the urban districts of Littleborough, Milnrow and Wardle.</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
Greater Manchester— <i>cont.</i>	<p><i>District (e)</i> The county borough of Salford. In the administrative county of Lancaster— the boroughs of Eccles and Swinton and Pendlebury; the urban districts of Irlam and Worsley.</p>
	<p><i>District (f)</i> The county borough of Manchester. In the administrative county of Chester, in the rural district of Bucklow, the parish of Ringway.</p>
	<p><i>District (g)</i> The county borough of Oldham. In the administrative county of Lancaster, the urban districts of Chadderton, Crompton, Failsworth, Lees and Royton. In the administrative county of Yorkshire, West Riding, the urban district of Saddleworth.</p>
	<p><i>District (h)</i> In the administrative county of Chester— the boroughs of Altrincham and Sale; the urban districts of Bowdon and Hale; in the rural district of Bucklow, the parishes of Carrington, Dunham Massey, Partington and Warburton. In the administrative county of Lancaster— the borough of Stretford; the urban district of Urmston.</p>
	<p><i>District (j)</i> The county borough of Stockport. In the administrative county of Chester, the urban districts of Bredbury and Romiley, Cheadle and Gatley, Hazel Grove and Bramhall and Marple.</p>
<p><i>District (k)</i> In the administrative county of Chester— the boroughs of Dukinfield, Hyde and Staly- bridge; the urban district of Longendale. In the administrative county of Lancaster— the boroughs of Ashton-under-Lyne and Mossley; the urban districts of Audenshaw, Denton and Droylsden.</p>	

SCH. 1

(1) Name of county	(2) Area by reference to existing administrative areas
Merseyside ...	<p><i>District (a)</i> The county boroughs of Bootle and Southport. In the administrative county of Lancaster— the borough of Crosby; the urban districts of Formby and Litherland; in the rural district of West Lancashire, the parishes of Aintree, Ince Blundell, Maghull, Melling, Netherton, Sefton and Thornton, so much of the parish of Altcar as lies west of the line for the time being of the centre of the Downholland Brook, and so much of the parish of Lydiate as lies south of the line for the time being of the centre of the Lydiate Brook, the north channel being taken where the Brook divides.</p> <p><i>District (b)</i> The county borough of Liverpool.</p> <p><i>District (c)</i> The county borough of St. Helens. In the administrative county of Lancaster— the urban districts of Haydock, Newton-le-Willows and Rainford; the urban district of Billinge-and-Winstanley except the areas in Greater Manchester; in the urban district of Ashton-in-Makerfield, the South ward; in the rural district of Whiston, the parishes of Eccleston, Rainhill and Windle, and the parish of Bold, except the area in Cheshire.</p> <p><i>District (d)</i> In the administrative county of Lancaster— the urban districts of Huyton-with-Roby, Kirkby and Prescott; the rural district of Whiston except the areas in district (c) and Cheshire; in the rural district of West Lancashire, the parish of Simonswood.</p> <p><i>District (e)</i> The county boroughs of Birkenhead and Wallasey. In the administrative county of Chester— the borough of Bebington; the urban districts of Hoylake and Wirral.</p>
South Yorkshire ...	<p><i>District (a)</i> The county borough of Barnsley. In the administrative county of Yorkshire, West Riding— the urban districts of Cudworth, Darfield, Darton, Dearne, Dodworth, Hoyland Nether, Penistone, Royston, Wombwell and Worsbrough; the rural district of Penistone; in the rural district of Hemsworth, the parishes of Billingley, Brierley, Great Houghton, Little Houghton and Shafton;</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
South Yorkshire— <i>cont.</i>	<p>in the rural district of Wortley, the parishes of Tankersley and Wortley.</p> <p><i>District (b)</i> The county borough of Doncaster. In the administrative county of Yorkshire, West Riding— the urban districts of Adwick le Street, Bentley with Arksey, Conisbrough, Mexborough and Tickhill; the rural districts of Doncaster and Thorne.</p> <p>In the administrative county of Nottinghamshire— in the rural district of East Retford, the parish of Finningley. in the rural district of Worksop, in the parish of Harworth, the North ward, so much of the East ward as lies east and north of Ordnance Survey parcels 4800, 4749, 5136 and 8630, and the detached part of the West ward which includes the hamlet of Hesley.</p> <p><i>District (c)</i> The county borough of Sheffield. In the administrative county of Yorkshire, West Riding— the urban district of Stocksbridge; in the rural district of Wortley, the parishes of Bradfield and Ecclesfield.</p> <p><i>District (d)</i> The county borough of Rotherham. In the administrative county of Yorkshire, West Riding— the urban districts of Maltby, Rawmarsh, Swinton and Wath upon Dearne; the rural districts of Kiveton Park and Rotherham.</p>
Tyne and Wear ...	<p><i>District (a)</i> The county borough of Newcastle upon Tyne. In the administrative county of Northumberland— the urban districts of Gosforth and Newburn; in the rural district of Castle Ward, the parishes of Brunswick, Dinnington, Hazlerigg, North Gosforth and Woolsington; the Moot Hall and Precincts, Newcastle upon Tyne.</p> <p><i>District (b)</i> The county borough of Tynemouth. In the administrative county of Northumberland— the borough of Wallsend; so much of the borough of Whitley Bay as lies south of the boundary referred to in paragraph 4 of Part III of this Schedule; the urban district of Longbenton; in the urban district of Seaton Valley, the wards of Backworth, Earsdon and Shiremoor.</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
Tyne and Wear— <i>cont.</i>	<p><i>District (c)</i> The county borough of Gateshead. In the administrative county of Durham— the urban districts of Blaydon, Felling, Ryton and Whickham; in the rural district of Chester-le-Street, the parish of Lamesley and the parish of Birtley except the part in district (e).</p> <p><i>District (d)</i> The county borough of South Shields. In the administrative county of Durham— the borough of Jarrow; the urban districts of Boldon and Hebburn.</p> <p><i>District (e)</i> The county borough of Sunderland. In the administrative county of Durham— the urban districts of Hetton, Houghton-le-Spring and Washington; in the rural district of Chester-le-Street, so much of the parishes of Birtley, Harraton and South Biddick as lie within the designated area of Washington New Town and also so much of the said parish of Harraton as lies west of that designated area and north of the boundary referred to in paragraph 5 of Part III of this Schedule; in the rural district of Easington, the parishes of Burdon and Warden Law.</p>
West Midlands ...	<p><i>District (a)</i> The county borough of Wolverhampton.</p> <p><i>District (b)</i> The county borough of Walsall. In the administrative county of Staffordshire, the urban district of Aldridge-Brownhills.</p> <p><i>District (c)</i> The county borough of Dudley. In the administrative county of Worcestershire, the boroughs of Halesowen and Stourbridge.</p> <p><i>District (d)</i> The county boroughs of Warley and West Bromwich.</p> <p><i>District (e)</i> The county borough of Birmingham. In the administrative county of Warwickshire, the borough of Sutton Coldfield.</p> <p><i>District (f)</i> The county borough of Solihull. In the administrative county of Warwickshire— in the rural district of Meriden, the parishes of Balsall, Barston, Berkswell, Bickenhill, Castle Bromwich, Chelmsley Wood, Fordbridge, Hampton in Arden, Kingshurst and Meriden; in the rural district of Stratford-on-Avon, the parish of Hockley Heath.</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
West Midlands —cont.	<p><i>District (g)</i> The county borough of Coventry. In the administrative county of Warwickshire, in the rural district of Meriden, the parishes of Allesley and Keresley.</p>
West Yorkshire ...	<p><i>District (a)</i> The county borough of Bradford. In the administrative county of Yorkshire, West Riding— the borough of Keighley; the urban districts of Baildon, Bingley, Denholme, Ilkley, Shipley and Silsden; the urban district of Queensbury and Shelf, except the wards in district (c); in the rural district of Skipton, the parishes of Addingham, Kildwick and Steeton with Eastburn.</p> <p><i>District (b)</i> The county borough of Leeds. In the administrative county of Yorkshire, West Riding— the boroughs of Morley and Pudsey; the urban districts of Aireborough, Garforth, Horsforth, Otley and Rothwell; in the rural district of Tadcaster, the parishes of Aberford, Austhorpe, Barwick in Elmet and Scholes, Great and Little Preston, Ledsham, Ledston, Lotherton cum Aberford, Micklefield, Parlington, Sturton Grange and Swillington; in the rural district of Wetherby, the parishes of Bardsey cum Rigton, Boston Spa, Bramham cum Oglethorpe, Clifford, Collingham, East Keswick, Harewood, Scarcroft, Thorner, Thorp Arch, Walton, Wetherby and Wothersome; in the rural district of Wharfedale, the parishes of Arthington, Bramhope, Carlton and Pool.</p> <p><i>District (c)</i> The county borough of Halifax. In the administrative county of Yorkshire, West Riding— the boroughs of Brighouse and Todmorden; the urban districts of Elland, Hebden Royd, Ripponden and Sowerby Bridge; in the urban district of Queensbury and Shelf, the wards of Shelf East and Shelf West; the rural district of Hepton.</p> <p><i>District (d)</i> The county boroughs of Dewsbury and Huddersfield. In the administrative county of Yorkshire, West Riding— the boroughs of Batley and Spenborough;</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
West Yorkshire— <i>cont.</i>	<p>the urban districts of Colne Valley, Denby Dale, Heckmondwike, Holmfirth, Kirkburton, Melt-ham and Mirfield.</p> <p><i>District (e)</i> The county borough of Wakefield. In the administrative county of Yorkshire, West Riding— the boroughs of Castleford, Ossett and Pontefract; the urban districts of Featherstone, Hemsworth, Horbury, Knottingley, Normanton and Stanley; the rural district of Wakefield; the rural district of Hemsworth, except the parishes in North Yorkshire and South Yorkshire; in the rural district of Osgoldcross, the parishes of Darrington and East Hardwick.</p>

PART II

NON-METROPOLITAN COUNTIES

(1) Name of county	(2) Area by reference to existing administrative areas
Avon	<p>The county boroughs of Bath and Bristol. In the administrative county of Gloucestershire— the urban districts of Kingswood and Mangots-field; the rural district of Warmley; the rural district of Sodbury, except the parish of Alderley; the rural district of Thornbury, except the parishes of Alkington, Berkeley, Ham and Stone, Hamfallow and Hinton. In the administrative county of Somerset— the borough of Weston-super-Mare; the urban districts of Clevedon, Keynsham, Norton-Radstock and Portishead; the rural districts of Bathavon and Long Ashton; in the rural district of Axbridge, the parishes of Banwell, Bleadon, Butcombe, Churchill, Congresbury, Hutton, Kewstoke, Locking, Puxton, Wick St. Lawrence, Winscombe and Wrington, so much of the parish of Loxton as lies north of the line for the time being of the centre of the river Axe and so much of the parishes of Blagdon and Burrington as lies north of the boundary referred to in paragraph 6 of Part III of this Schedule; in the rural district of Clutton, the parishes of Cameley, Chelwood, Chew Magna, Chew Stoke, Clutton, Farmborough, Farrington</p>

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(1) Name of county	(2) Area by reference to existing administrative areas
Avon— <i>cont.</i>	Gurney, High Littleton, Hinton Blewett, Nempnett Thrubwell, Norton Malreward, Paulton, Publow, Stanton Drew, Stowey-Sutton and Timsbury and so much of the parishes of East Harptree, West Harptree, Compton Martin and Ubley as lies north of the boundary referred to in paragraph 6 of Part III of this Schedule; the unannexed area adjacent to the urban district of Keynsham; Steep Holme Island.
Bedfordshire ...	The county borough of Luton. The administrative county of Bedford.
Berkshire ...	The county borough of Reading. The administrative county of Berkshire, except the areas in Oxfordshire. In the administrative county of Buckingham— the borough of Slough; the urban district of Eton; in the rural district of Eton, the parishes of Datchet, Horton and Wraysbury, the Britwell ward of the parish of Burnham and so much of the parish of Wexham as lies south of the boundary referred to in paragraph 7 of Part III of this Schedule.
Buckinghamshire...	The administrative county of Buckingham, except the areas in Berkshire.
Cambridgeshire ...	The administrative counties of Cambridgeshire and Isle of Ely and Huntingdon and Peterborough.
Cheshire ...	The county boroughs of Chester and Warrington. The administrative county of Chester, except the areas in Derbyshire, Greater Manchester and Merseyside. In the administrative county of Lancaster— the borough of Widnes; in the urban district of Golborne, the wards of Culcheth and Newchurch; the rural district of Warrington; in the rural district of Whiston, the parish of Hale and so much of the parish of Bold as lies within the designated area of Warrington New Town.
Cleveland ...	The county boroughs of Hartlepool and Teesside. In the administrative county of Durham, the rural district of Stockton. In the administrative county of Yorkshire, North Riding— the urban districts of Guisborough, Loftus, Saltburn and Marske-by-the-Sea and Skelton and Brotton;

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(1) Name of county	(2) Area by reference to existing administrative areas
Cleveland— <i>cont.</i>	in the rural district of Stokesley, the parishes of Castlelevington, Hilton, Ingleby Barwick, Kirklevington, Maltby, Nunthorpe and Yarm.
Cornwall	The administrative county of Cornwall.
Cumbria	The county boroughs of Barrow-in-Furness and Carlisle. The administrative counties of Cumberland and Westmorland. In the administrative county of Lancaster— the urban districts of Dalton-in-Furness, Grange and Ulverston; the rural district of North Lonsdale. In the administrative county of Yorkshire, West Riding, the rural district of Sedbergh.
Derbyshire	The county borough of Derby. The administrative county of Derbyshire. In the administrative county of Chester, the rural district of Tintwistle.
Devon	The county boroughs of Exeter, Plymouth and Torbay. The administrative county of Devon.
Dorset	The county borough of Bournemouth. The administrative county of Dorset. In the administrative county of Hampshire— the borough of Christchurch; in the rural district of Ringwood and Fordingbridge, the parishes of Hurn and St. Leonards and St. Ives, so much of the parish of Christchurch East as lies west of the boundary referred to in paragraph 8 of Part III of this Schedule and so much of the parish of Sopley as lies west of the boundary referred to in paragraph 9 of Part III of this Schedule.
Durham	The county borough of Darlington. The administrative county of Durham, except the areas in Cleveland and Tyne and Wear. In the administrative county of Yorkshire, North Riding, the rural district of Startforth.
East Sussex	The county boroughs of Brighton, Eastbourne and Hastings. The administrative county of East Sussex, except the areas in West Sussex.
Essex	The county borough of Southend-on-Sea. The administrative county of Essex.
Gloucestershire	The county borough of Gloucester. The administrative county of Gloucestershire, except the areas in Avon.

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(1) Name of county	(2) Area by reference to existing administrative areas
Hampshire ...	The county boroughs of Portsmouth and Southampton. The administrative county of Hampshire, except the areas in Dorset.
Hereford and Worcester	The county borough of Worcester. The administrative county of Herefordshire. The administrative county of Worcestershire, except the boroughs in West Midlands.
Hertfordshire ...	The administrative county of Hertfordshire.
Humberside ...	The county boroughs of Grimsby and Kingston upon Hull. The administrative county of Yorkshire, East Riding, except the areas in North Yorkshire. In the administrative county of Lincoln, Parts of Lindsey— the boroughs of Cleethorpes and Scunthorpe; the urban districts of Barton-upon-Humber and Brigg; the rural districts of Glanford Brigg, Grimsby and Isle of Axholme; In the administrative county of Yorkshire, West Riding— the borough of Goole; the rural district of Goole.
Isle of Wight ...	The administrative county of Isle of Wight.
Kent ...	The county borough of Canterbury. The administrative county of Kent.
Lancashire ...	The county boroughs of Blackburn, Blackpool, Burnley and Preston. The administrative county of Lancaster, except the areas in Cheshire, Cumbria, Greater Manchester and Merseyside. In the administrative county of Yorkshire, West Riding— the urban districts of Barnoldswick and Darby; the rural district of Bowland; in the rural district of Skipton, the parishes of Bracewell, Brogden and Salterforth.
Leicestershire ...	The county borough of Leicester. The administrative counties of Leicestershire and Rutland.
Lincolnshire ...	The county borough of Lincoln. The administrative counties of Lincoln, Parts of Holland and Lincoln, Parts of Kesteven. The administrative county of Lincoln, Parts of Lindsey, except the areas in Humberside.

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(1) Name of county	(2) Area by reference to existing administrative areas
Norfolk	<p>The county boroughs of Great Yarmouth and Norwich. The administrative county of Norfolk.</p> <p>In the administrative county of East Suffolk, in the rural district of Lothingland, the parishes of Belton, Bradwell, Burgh Castle, Fritton and Hopton-on-Sea, so much of the parish of Herringfleet as lies north of the boundary referred to in paragraph 10 of Part III of this Schedule and so much of the parish of Corton as lies north of the boundary referred to in paragraph 11 of that Part.</p>
North Yorkshire ...	<p>The county borough of York.</p> <p>The administrative county of Yorkshire, North Riding, except the areas in Cleveland and Durham.</p> <p>In the administrative county of Yorkshire, East Riding—</p> <ul style="list-style-type: none"> the urban districts of Filey and Norton; the rural districts of Derwent and Norton; in the rural district of Bridlington, the parishes of Folkton, Hunmanby, Muston and Reighton. <p>In the administrative county of Yorkshire, West Riding—</p> <ul style="list-style-type: none"> the boroughs of Harrogate and Ripon; the urban districts of Knaresborough, Selby and Skipton; the rural districts of Nidderdale, Ripon and Pateley Bridge, Selby and Settle; the rural districts of Osgoldcross, Tadcaster, Wetherby and Wharfedale, except the parishes in West Yorkshire; the rural district of Skipton, except the parishes in Lancashire and West Yorkshire; in the rural district of Hemsworth, the parishes of Kirk Smeaton, Little Smeaton and Walden Stubbs.
Northamptonshire	<p>The county borough of Northampton.</p> <p>The administrative county of Northamptonshire.</p>
Northumberland ...	<p>The administrative county of Northumberland, except the areas in Tyne and Wear.</p>
Nottinghamshire ...	<p>The county borough of Nottingham.</p> <p>The administrative county of Nottinghamshire, except the areas in South Yorkshire.</p>
Oxfordshire ---	<p>The county borough of Oxford.</p> <p>The administrative county of Oxford.</p> <p>In the administrative county of Berkshire—</p> <ul style="list-style-type: none"> the boroughs of Abingdon and Wallingford; the urban district of Wantage; the rural districts of Abingdon, Faringdon and Wallingford;

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(1) Name of county	(2) Area by reference to existing administrative areas
Oxfordshire— <i>cont.</i>	in the rural district of Wantage, the parishes of Ardington, Blewbury, Childrey, Chilton, Denchworth, East Challow, East Hanney, East Hendred, Goosey, Grove, Harwell, Letcombe Bassett, Letcombe Regis, Lockinge, Sparsholt, Upton, West Challow, West Hanney and West Hendred.
Salop	The administrative county of Salop.
Somerset	The administrative county of Somerset, except the areas in Avon.
Staffordshire	The county boroughs of Burton upon Trent and Stoke-on-Trent. The administrative county of Staffordshire, except the urban district in West Midlands.
Suffolk	The county borough of Ipswich. The administrative county of East Suffolk, except the areas in Norfolk. The administrative county of West Suffolk.
Surrey	The administrative county of Surrey, except the areas in West Sussex.
Warwickshire	The administrative county of Warwickshire, except the areas in West Midlands.
West Sussex	The administrative county of West Sussex. In the administrative county of East Sussex— the urban districts of Burgess Hill, Cuckfield and East Grinstead; the rural district of Cuckfield. In the administrative county of Surrey, in the rural district of Dorking and Horley, the parish of Charlwood, except the detached part, and so much of the parish of Horley as lies south of the boundary referred to in paragraph 12 of Part III of this Schedule.
Wiltshire	The administrative county of Wiltshire.

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PART III

RULES AS TO BOUNDARIES

1. The boundaries of the new local government areas shall be mered by Ordnance Survey.

1958 c. 55. 2. Any such boundary defined on the map annexed to any order under Part VI of the 1933 Act or Part II of the Local Government Act 1958 or section 6 of the 1963 Act by reference to proposed works shall, if the works have not been executed at the time of the completion of the first survey made after the passing of this Act for a new edition of Ordnance Survey large-scale plans including that boundary, be mered as if the boundary had not been so defined.

3. The boundary dividing the Egerton ward of the urban district of Turton referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of Delph Brook to the end of the Reservoir Dam, thence to Blackburn Road north of Moss Cottages and thence north-eastwards to the ward boundary.

4. The boundary dividing the borough of Whitley Bay referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the access road to Hartley West Farm, Hartley Lane, West End, the northern boundaries of Ordnance Survey parcels 0057, 2657 and 4156 and thence north-eastwards to the boundary of the borough.

5. The boundary in the parish of Harraton referred to in Part I of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the link road C8 between Western Highway and Vigo Lane.

6. The boundary dividing the parishes of East Harptree, West Harptree, Compton Martin, Ubley, Blagdon and Burrington referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine generally between the 500 ft. and 800 ft. contours on the northern slopes of the Mendip Hills to the vicinity of Burrington Camp and thence westwards to the boundary of the parish of Burrington.

7. The boundary dividing the parish of Wexham referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the northern and eastern boundaries of Wexham Hospital, Wexham Park Lane, the eastern and southern boundaries of Ordnance Survey parcels 49, 48a, 31, 32, 33, 15, 14 and 13, Church Lane and Uxbridge Road south-westwards from Church Lane.

8. The boundary dividing the parish of Christchurch East referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line from the neighbourhood of Barrett's Copse to the River Mude in the neighbourhood of Waterhouse Farm and thence along that river downstream to the parish boundary.

9. The boundary dividing the parish of Sopley referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the River Avon.

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10. The boundary dividing the parish of Herringfleet referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of Blocka Lane, Blocka Road, Herringfleet Road, the southern boundaries of Ordnance Survey parcels 105B, 80, 77 and 78, and thence to the parish boundary.

11. The boundary dividing the parish of Corton referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of an extension eastwards of the southern boundary of the parish of Hopton-on-Sea.

12. The boundary dividing the parish of Horley referred to in Part II of this Schedule shall be such as the Secretary of State may by order determine on or near the general line of the River Mole, Burstow Stream, the railway from Horley to Earlswood and Crossoak Lane.

PART IV

DIVIDED PARISHES

1. The following areas shall be parishes, that is to say—

- (a) the part of the existing parish of Altcar in Lancashire ;
- (b) the part of the existing parish of Altcar in Merseyside ;
- (c) the part of the existing parish of Birtley in district (c) in Tyne and Wear ;
- (d) the part of the existing parish of Blagdon in Avon ;
- (e) the part of the existing parish of Bold in Merseyside ;
- (f) the part of the existing parish of Burnham in Berkshire ;
- (g) the part of the existing parish of Burnham in Buckinghamshire ;
- (h) the part of the existing parish of Burrington in Avon ;
- (i) the parts of the existing parishes of Charlwood and Horley in Surrey ;
- (j) the part of the existing parish of Charlwood in West Sussex ;
- (k) the part of the existing parish of Christchurch East in Dorset ;
- (l) the part of the existing parish of Christchurch East in Hampshire ;
- (m) the part of the existing parish of Compton Martin in Avon ;
- (n) the part of the existing parish of Corton in Suffolk ;
- (o) the part of the existing parish of East Harptree in Avon ;
- (p) the part of the existing parish of Harraton in Durham ;
- (q) the part of the existing parish of Harworth in Nottinghamshire ;
- (r) the part of the existing parish of Herringfleet in Suffolk ;
- (s) the part of the existing parish of Horley in West Sussex ;

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- (*t*) the part of the existing parish of Loxton in Avon ;
- (*u*) the part of the existing parish of Lydiate in Merseyside ;
- (*v*) the part of the existing parish of Sopley in Hampshire ;
- (*w*) the part of the existing parish of South Biddick in Durham ;
- (*x*) the part of the existing parish of Ubley in Avon ;
- (*y*) the part of the existing parish of West Harptree in Avon ;
- (*z*) the part of the existing parish of Wexham in Berkshire ; and
- (*za*) the part of the existing parish of Wexham in Buckinghamshire.

2.—(1) The part of the existing parish of Bold in Cheshire shall be added to the parish of Great Sankey.

(2) The parts of the existing parishes of Blagdon, Burrington, Compton Martin, East Harptree, Ubley and West Harptree in Somerset shall be added to the parish of Priddy.

(3) The part of the existing parish of Corton in Norfolk shall be added to the parish of Hopton-on-Sea.

(4) The part of the existing parish of Harworth in South Yorkshire shall be added to the parish of Bawtry.

(5) The part of the existing parish of Herringfleet in Norfolk shall be added to the parish of Fritton.

(6) The part of the existing parish of Loxton in Somerset shall be added to the parish of East Brent.

(7) The part of the existing parish of Lydiate in Lancashire shall be added to the parish of Downholland.

(8) The part of the existing parish of Sopley in Dorset shall be added to the parish of Hurn.

3. The parts of the existing parishes of Birtley, Harraton and South Biddick in district (*e*) in Tyne and Wear shall cease to be in any parish.

4. Paragraphs 1 to 3 above shall not prevent any existing rural parish from continuing to exist as such until 1st April 1974.

PART V

CONSTITUTION OF PARISHES BY REFERENCE TO EXISTING
URBAN DISTRICT AND BOROUGH BOUNDARIES

1.—(1) The English Commission shall consult the councils of existing counties, boroughs and urban districts and the committees established under section 264(1)(*b*) above with a view to making proposals to the Secretary of State for the constitution of parishes each of which has a boundary coterminous with that of—

- (*a*) an existing urban district or borough, the area of which is not divided by or under section 1 above between two or more districts, or
- (*b*) so much of an existing urban district or borough, the area of which is so divided, as is wholly comprised in a single district,

and for naming those parishes.

(2) The Secretary of State may give the Commission directions for their guidance in making any such proposals.

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2.—(1) The Secretary of State shall by order give effect to any proposals under paragraph 1 above, either as made to him or with modifications, but except in so far as any such order specifies part of the boundary of a district as part of the boundary of a parish no such order may specify for a parish a boundary different from that of an existing urban district or borough.

(2) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3. The constitution of an area as a parish under this Part of this Schedule shall not affect—

- (a) the continued existence, subject to section 1(10) above, of the borough or urban district the area of which or of part of which is co-extensive with that of the parish, or
- (b) the power to make changes in local government areas under Part IV above.

4. In this Part of this Schedule “borough” does not include a London borough or a borough which becomes a parish by virtue of section 1(9) above.

SCHEDULE 2

Section 8.

CONSTITUTION AND MEMBERSHIP OF GREATER LONDON COUNCIL AND LONDON BOROUGH COUNCILS

PART I

Constitution

1.—(1) For Greater London there shall be a council consisting of a chairman and councillors and the council shall be a body corporate by the name of the Greater London Council and shall have all such functions as are vested in them by this Act or otherwise.

(2) For every London borough there shall be a council consisting of the mayor and councillors and the council shall exercise all such functions as are vested in the municipal corporation of the borough or in the council of the borough by this Act or otherwise.

Chairman and mayor

2.—(1) The chairman of the Greater London Council and the mayor of a London borough shall be elected annually by the council from among the councillors.

(2) The chairman or mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman or mayor.

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(3) During his term of office the chairman or mayor shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(4) The Greater London Council may pay the chairman, and a London borough council may pay the mayor, such allowance as the council think reasonable for the purpose of enabling the chairman or mayor to meet the expenses of his office.

(5) The mayor of a London borough shall have precedence in the borough, but not so as prejudicially to affect Her Majesty's royal prerogative.

Election of chairman and mayor

3.—(1) The election of the chairman or mayor shall be the first business transacted at the annual meeting of the Greater London Council or a London borough council.

(2) If, apart from paragraph 2(3) above or paragraph 4(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with sub-paragraph (3) below.

(3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

Vice-chairman and deputy chairman of Greater London Council

4.—(1) The Greater London Council may appoint a member of the council to be vice-chairman of the Council and another member to be deputy chairman thereof.

(2) The vice-chairman or deputy chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of the chairman at the next annual meeting of the Council and during that time shall continue to be a member of the Council notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(3) Subject to any standing orders made by the Greater London Council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman or deputy chairman.

(4) The Greater London Council may pay the vice-chairman and deputy chairman such allowance as the Council think reasonable for the purpose of enabling each of them to meet the expenses of his office.

Power of mayor of London borough to appoint deputy

5.—(1) The mayor of a London borough may appoint a councillor of the borough to be deputy mayor, and the person so appointed shall, unless he resigns or becomes disqualified, hold office until a

newly elected mayor becomes entitled to act as mayor (whether or not he continues until that time to be a councillor).

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(2) The appointment of a deputy mayor shall be signified to the council in writing and be recorded in the minutes of the council.

(3) The deputy mayor may, if for any reason the mayor is unable to act or the office of mayor is vacant, discharge all functions which the mayor as such might discharge, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so under paragraph 5 of Schedule 12 below.

(4) A London borough council may pay the deputy mayor such allowance as the council think reasonable for the purpose of enabling him to meet the expenses of his office.

Term of office and retirement of councillors

6.—(1) Councillors of the Greater London Council and London borough councillors shall be elected by the local government electors for Greater London or the borough, as the case may be, in accordance with this Act and Part I of the Representation of the People 1949 c. 68. Act 1949.

(2) The ordinary election of councillors of the Greater London Council shall take place in 1973 and every third year thereafter, their term of office shall be three years, they shall retire together in every such third year on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.

(3) The ordinary election of London borough councillors shall take place in 1974 and every third year thereafter, their term of office shall be three years and they shall retire together in every such third year on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.

(4) In 1974 the ordinary day of election of London borough councillors shall be the first Thursday in May.

Electoral divisions and wards

7.—(1) Subject to the following provisions of this paragraph, for the purposes of the election of councillors—

(a) Greater London shall be divided into electoral divisions, each returning one councillor ;

(b) every London borough shall be divided into wards, each returning such number of councillors as is specified in any order made under Part IV of this Act ;

and there shall be a separate election for each electoral division or ward.

(2) Until provision is made as mentioned in sub-paragraph (1)(b) above by an order under Part IV of this Act, the number of councillors for each ward in a London borough shall be such as is specified in the provision of the charter for the borough or, as the case may be, of an order under Part III of Schedule 1 to the 1963 Act amending that charter, which is in force on the coming into operation of Part IV of this Act.

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(3) So much of section 1(4) of the 1963 Act as limits the number of councillors of a London borough to 60 shall cease to have effect.

8. This Part of this Schedule shall have effect subject to the provisions of Part II below.

PART II

Aldermen

9.—(1) The offices of alderman of the Greater London Council and alderman of a London borough shall cease to exist on the relevant date, as defined in sub-paragraph (2) below, but until that date the following provisions of this Part of this Schedule shall have effect.

(2) In this Part of this Schedule 'the relevant date',—

- (a) in relation to the Greater London Council, means the fourth day after the ordinary day of election of councillors of the Greater London Council in 1976 or such other year as may be specified for the purposes of this sub-paragraph in an order under section 8(2) above, and
- (b) in relation to a London borough, means the fourth day after the ordinary day of election of London borough councillors in 1977 or such other year as may be so specified.

10.—(1) The aldermen of the Greater London Council and of a London borough shall be elected by the Council or, as the case may be, by the council of the borough, from among the councillors or persons qualified to be councillors.

(2) The number of aldermen shall be one-sixth of the whole number of councillors, or if that number is not divisible by six, of the highest number below that number which is so divisible.

(3) If a person holding either the office of councillor or the office of alderman is elected to and accepts the other of those offices, the first office shall thereupon become vacant.

11.—(1) An ordinary election of aldermen shall be held in 1973 in the case of the Greater London Council, and in 1974 in the case of a London borough.

(2) Except in so far as aldermen are required to retire in accordance with sub-paragraph (3) below, the term of office of aldermen of the Greater London Council or of a London borough who either hold that office at the passing of this Act or are elected thereto after the passing of this Act shall expire at the relevant date.

(3) In the year in which an ordinary election of aldermen of the Greater London Council or a London borough is held in accordance with sub-paragraph (1) above, one-half as near as may be of the whole number of aldermen of that Council or borough, namely those who have been aldermen for the longest time without re-election, shall retire immediately after the election of the new aldermen, who shall come into office on that day.

12.—(1) The election of aldermen in accordance with paragraph 11(1) above shall be held at the annual meeting of the Greater London Council or, as the case may be, the London borough council, and shall take place immediately after the election of the chairman or mayor.

(2) An alderman shall not, as such, vote at the election of an alderman.

(3) Every person entitled to vote may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering at the meeting to the person presiding at the meeting a voting paper containing the full names and places of residence and descriptions of the persons for whom he votes.

(4) The person presiding at the meeting shall, as soon as all the voting papers have been delivered to him, proceed to ascertain the result of the voting and state the number of votes given to each person and shall then deliver the voting papers to the proper officer of the council, to be kept for six months.

(5) In the case of an equality of votes, the person presiding at the meeting shall give a casting vote, whether or not he voted or was entitled to vote in the first instance.

(6) The person presiding at the meeting shall declare to be elected as many persons as there are vacancies to be filled, being the persons who receive the greatest numbers of votes, or if fewer persons than those vacancies receive votes, all the persons who receive votes.

(7) If fewer persons than those vacancies receive votes, an election to fill the remaining vacancies shall be held at the next ordinary meeting of the council.

(8) The minutes of the proceedings of the meeting shall include the full names and places of residence and descriptions of the persons for whom votes were given and the names of the persons by whom they were given respectively.

13.—(1) Until the relevant date, Part I above shall have effect subject to the following provisions of this paragraph.

(2) Paragraph 1 above shall have effect as if—

(a) after the word 'chairman', in sub-paragraph (1), and

(b) after the word 'mayor', in sub-paragraph (2),

there were inserted the word 'aldermen'.

(3) Paragraphs 2(1) and 5(1) above shall have effect as if any reference therein to a councillor included a reference to an alderman.

(4) An outgoing alderman shall not, as such, vote at the election of the chairman of the Greater London Council or of the mayor of a London borough.

14. The Secretary of State may by order make such amendments of provisions of this Act, other than this Schedule, which refer to aldermen as seem to him appropriate to remove those references with effect from the relevant date.

SCHEDULE 3

ESTABLISHMENT OF NEW AUTHORITIES IN ENGLAND

Division of non-metropolitan counties into districts

1.—(1) The English Commission shall as soon as practicable after the passing of this Act make proposals to the Secretary of State for the division of non-metropolitan counties into districts, for defining the areas of those districts and for naming them, and the Secretary of State may give the Commission directions for their guidance in making any such proposals.

(2) The Secretary of State shall by order give effect to any proposals under this paragraph either as submitted to him or with modifications, but an order shall not be made under this paragraph defining the areas of non-metropolitan districts unless a draft of the order has been approved by resolution of each House of Parliament.

(3) An order under this paragraph shall, notwithstanding that it applies only to one or some of the non-metropolitan counties, proceed in Parliament as if its provisions would, apart from this paragraph, require to be enacted by a public Bill.

County and district councillors

2. Elections of councillors of the new principal councils shall be held on dates in 1973 fixed by the Secretary of State by order and the persons elected at these elections shall come into office on the fourth day after the day of election.

3.—(1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.

(2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area ; and section 6(2)(a) above shall not apply to any such election.

(3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.

4.—(1) Of the district councillors elected under paragraph 2 above for any ward of a metropolitan district—

(a) one-third shall retire in 1975, being, subject to subparagraphs (2) and (3) below, those elected by the smallest numbers of votes ;

(b) one-third shall retire in 1976, being, subject as aforesaid, those elected by the next smallest numbers of votes ; and

(c) the remainder shall retire in 1978 ;

in each case on the fourth day after the ordinary day of election of such councillors in the year of retirement.

(2) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person or persons to retire in that year shall be determined by lot.

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(3) If an election of district councillors under paragraph 2 above for any ward of a metropolitan district is not contested, the person or persons to retire in each such year shall be determined by lot.

(4) Where under this paragraph any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

First elections and meetings of new councils

5.—(1) At the first elections of councillors for a new principal area the returning officer shall be an officer of the council appointed by such existing county, borough or urban or rural district council as the Secretary of State may by order designate and not a person appointed under section 41 above.

(2) Section 42(5) above shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer in relation to the holding of any such election shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.

(3) In relation to any such election "the appropriate officer" in Parts II and III of the Representation of the People Act 1949 means 1949 c. 68. the returning officer appointed under this paragraph instead of having the meaning assigned to that expression by section 55(6)(b) of that Act.

6.—(1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal area under section 83 above before the first meeting of that council, the clerk of an existing authority designated by the committee established for the area under section 264 above shall be deemed to be and shall act as the proper officer of the council.

(2) Any such declaration delivered by virtue of this paragraph to the said clerk shall be transferred by him to the custody of the proper officer of the new council on the appointment of the latter.

7.—(1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1973.

(2) The meeting shall be convened by the clerk of an authority designated by the committee established for the area of the new council under section 264 above and shall be held at such place as he may appoint instead of such place as the council may direct as required by paragraph 4(1) of Schedule 12 to this Act.

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(3) The notice of the meeting required by paragraph 4(2) of that Schedule shall be published at the place where the meeting is to be held instead of at the council's offices and the summons to attend the meeting required by that paragraph shall be signed by the said clerk instead of by the proper officer of the council.

8.—(1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the committee established for the area of the council under section 264 above shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council, but any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.

(2) At the first meeting of a new principal council the clerk or deputy clerk of an existing authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.

(3) The standing orders for the regulation of the proceedings and business of an existing authority so designated shall apply at the first meeting of a new principal council.

9. The Secretary of State may himself exercise a committee's power of designation for the purposes of any provision of paragraph 6, 7 or 8 above if he is requested to do so on the ground that the committee is unlikely to exercise the power in time for that provision to operate.

Parish councillors

10.—(1) Until provision is made to the contrary under Part I or Part IV of this Act—

- (a) the number of councillors for a parish which immediately before the passing of this Act was a borough included in a rural district, not being a borough divided into wards, shall be the same as the number of councillors for that borough ;
- (b) where any such borough was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the borough, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the borough ;
- (c) the number of councillors for a parish which immediately before the passing of this Act was co-extensive with a rural district which is not divided into wards shall be the same as the number of councillors for that rural district ; and
- (d) where a rural district which is co-extensive with a parish was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the rural district, the parish shall be divided into those

wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the rural district.

(2) Until provision is made to the contrary under Part I or Part IV of this Act, the provisions of this sub-paragraph shall have effect with respect to the number of councillors for a parish constituted under Part V of Schedule 1 above and having an area co-extensive with that of an existing borough or urban district, that is to say—

- (a) if the area of the parish is co-extensive with that of a borough not divided into wards, the number of councillors for the parish shall be the same as the total number of councillors and aldermen for the borough ;
- (b) if the area of the parish is co-extensive with that of a borough which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be four-thirds of the number of councillors for the corresponding ward of the borough ;
- (c) if the area of the parish is co-extensive with that of an urban district not divided into wards, the number of councillors for the parish shall be the same as the number of councillors for the urban district ;
- (d) if the area of the parish is co-extensive with that of an urban district which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number of councillors for the corresponding ward of the urban district ;

and the numbers referred to in paragraphs (a) to (d) above shall be determined by reference to the electoral arrangements in the borough or urban district at the date on which the parish is constituted.

(3) In the case of a parish constituted under Part V of Schedule 1 above and having an area co-extensive with part only of an existing borough or urban district, the Secretary of State shall by order make such provision with respect to—

- (a) the number of councillors for the parish as a whole,
- (b) the division of the parish into wards, and
- (c) if the parish is so divided, the number of councillors for each ward,

as appears to him to correspond, in relation to the part of the existing borough or urban district concerned, to the provision made by paragraphs (a) to (d) of sub-paragraph (2) above in the case of a parish the area of which is co-extensive with that of the whole of an existing borough or urban district ; and the provision made by any such order shall have effect until provision is made to the contrary under Part I or Part IV of this Act.

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Qualification for membership of local authority

11. For the purposes of section 79 above, in its application to a candidate for membership of a new local authority, the new local government areas shall be treated as having been established not less than 12 months before the day of his nomination as such a candidate or, in relation to an election not preceded by the nomination of candidates, before the day of election.

Suspension of elections

12.—(1) No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.

(2) Subject to sub-paragraph (3) below any ordinary election of parish councillors due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the district in which the parish is situated; and any such councillor who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of parish councillors takes place in pursuance of this sub-paragraph.

(3) No election of parish councillors shall be held after the end of the year 1972 for any existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act.

(4) Subject to sub-paragraph (6) below, any parish councillor elected at the ordinary election of parish councillors in 1973 shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.

(5) Any parish councillor—

(a) for an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act; or

(b) for a parish to which part of any parish is added by paragraph 2 of the said Part IV;

who holds office immediately before the end of 1972 or is appointed after the end of that year to fill a casual vacancy occurring before the end of that year shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1974.

(6) Any parish councillor elected in 1973 for a parish mentioned in sub-paragraph (5)(b) above shall not act in his office before

1st April 1974 except for the purpose of taking any action with a view to enabling the new parish council to exercise their functions on and after that date.

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(7) No election of parish councillors shall be held in 1974 or 1975, and any parish councillor who (apart from this Act) would ordinarily have retired in 1974 or 1975 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the ordinary day of election of parish councillors in 1976.

(8) Any ordinary election of councillors of a borough included in a rural district or of a rural district which is co-extensive with a parish due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the new district in which the borough or rural district is situated ; and any councillor of any such borough or rural district who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of councillors takes place in pursuance of this sub-paragraph.

(9) The council of a borough included in a rural district shall, as from the date when the persons elected councillors of the borough in pursuance of sub-paragraph (8) above come into office, also be the council of the corresponding parish, and—

- (a) the persons so elected shall also hold office as councillors of the corresponding parish and, in the case of a borough divided into wards, be deemed also to have been elected for the corresponding wards of the parish ;
- (b) the person who in 1973 is elected as mayor of the borough shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman ; and
- (c) the person who in 1973 is appointed deputy mayor of the borough shall also hold office as vice-chairman of the parish council until the abolition of the borough.

(10) Without prejudice to the continued operation, until its repeal by this Act, of section 43(3) of the 1933 Act (council of a rural district which is co-extensive with a parish to have the functions of, and to be deemed to be, the parish council) the council of a rural district which is co-extensive with a parish shall, as from the date when the persons elected councillors of the rural district in pursuance of sub-paragraph (8) above come into office, also be the council of the parish, and—

- (a) the persons so elected shall also hold office as councillors of the parish and, in the case of a rural district divided into wards, be deemed also to have been elected for the corresponding wards of the parish ;
- (b) the person who in 1973 is elected as chairman of the rural district council shall also hold office as chairman of the

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parish council until his successor becomes entitled to act as chairman ; and

- (c) the person who in 1973 is appointed vice-chairman of the rural district council shall also hold office as vice-chairman of the parish council until the abolition of the rural district council.

(11) Any person elected councillor as mentioned in sub-paragraph (9) or sub-paragraph (10) above shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.

(12) As respects an existing county or borough (other than a London borough)—

- (a) no ordinary election of aldermen shall be held after the passing of this Act ;
- (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day ; and
- (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.

(13) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—

- (a) chairman or vice-chairman of the council of an existing county or urban or rural district other than chairman of a rural district which is co-extensive with a parish ; or
- (b) mayor of an existing borough (other than a London borough or a borough included in a rural district).

(14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.

13.—(1) The provisions of this paragraph shall apply in relation to a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(2) above and also in relation to the borough or urban district the area of which is co-extensive with that of the parish ; and, in relation to such a parish,—

- (a) references in this paragraph to the order are references to the order under the said Part V constituting the parish, and
- (b) references in this paragraph to the borough or urban district are references to the borough or urban district the area of which is co-extensive with that of the parish.

(2) As from the date specified in the order, the parish councillors shall be the aldermen and councillors for the time being of the borough or as the case may be, the councillors for the time being of the urban district, and, if the parish is divided into wards in accordance with paragraph 10(2) above—

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(a) the councillors of the borough or urban district, in their capacity as parish councillors, shall be treated as having been elected for the wards of the parish corresponding to the wards of the borough or urban district for which they were elected ; and

(b) in the case of a borough, each of the aldermen shall be treated, in his capacity as a parish councillor, as having been elected for such ward of the parish as shall be determined at a meeting of the parish council held within fourteen days after the date specified in the order.

(3) Each person who becomes a parish councillor by virtue of sub-paragraph (2) above shall (unless he resigns his office or it otherwise becomes vacant) continue to hold that office until the fourth day after the ordinary day of election of parish councillors in 1976.

(4) Until 1st April 1974 the persons for the time being holding office as mayor and deputy mayor of the borough or, as the case may be, as chairman and vice-chairman of the council of the urban district shall, by virtue of those offices, hold office as chairman and vice-chairman of the parish council, respectively ; and the persons who, by virtue of this sub-paragraph, hold office as chairman and vice-chairman of the parish council immediately before 1st April 1974 shall, subject to section 15 above, continue to hold those offices on and after that date as if they had been elected to them at the annual meeting of the parish council held in 1973.

(5) Where this paragraph applies to a parish, then, as from the date specified in the order, paragraph 12(1) above shall not apply in relation to elections to fill casual vacancies in the office of councillor of the borough or urban district, as the case may be, and any casual vacancy which has not been filled on that date shall be deemed for the purposes of the 1933 Act to have arisen on that date ; and without prejudice to sub-paragraph (3) above a councillor elected after that date to fill a casual vacancy shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office as a councillor of the borough or urban district until 1st April 1974.

(6) Where this paragraph applies to a parish, sub-paragraph (12)(c) and (13) of paragraph 12 above shall not apply in relation to the borough or urban district, as the case may be ; and in the case of a borough any person appointed to fill a casual vacancy in the office of alderman of the borough shall be treated, in his capacity as a parish councillor, as having been elected for the same ward of the parish as that for which his predecessor as alderman was treated as having been elected by virtue of sub-paragraph (2)(b) above or this sub-paragraph.

14. In the case of a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(3) above, the Secretary of State shall by order make such provision in relation to the councillors of the parish, the chairman and vice-chairman of the parish council and the aldermen and councillors of the borough, or as the case

- SCH. 3 may be the councillors of the urban district, concerned as appears to him to be appropriate to secure for the parish and that borough or urban district a result corresponding, so far as practicable, with that produced in the case of a parish falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.

Annual meetings

15. In the year 1973 the annual meeting of a borough council other than the council of a London borough or a borough included in a rural district shall be held on such day in the month of March, April or May as the council may fix.

16. In that year the annual meeting of the council of a parish or a borough included in a rural district which (apart from this Act) is due to be held on or within fourteen days after 20th May and, in the case of a rural district which is co-extensive with a parish, the annual meeting of the rural district council which (apart from this Act) is due to be held on or as soon as conveniently may be after that date shall instead be held on, or within 14 days after, the day on which the councillors elected at the ordinary elections of parish councillors or councillors of boroughs included in rural districts or rural district councillors in that year come into office.

17. In the year 1974—

- (a) it shall not be necessary for the parish meeting of an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act to assemble as required by paragraph 1(1) of Part VI of Schedule 3 to the 1933 Act ; and
- (b) the parish meeting of a parish to which part of any parish is added by paragraph 2 of the said Part IV shall be held for the enlarged parish.

Supplementary

18. In this Schedule “relevant year of election” means—

- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 9 to this Act ;
- (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule.

SCHEDULE 4

Section 20

LOCAL GOVERNMENT AREAS IN WALES

PART I

COUNTIES

(1) Name of county	(2) Area by reference to existing administrative areas
Clwyd	The administrative county of Flintshire. The administrative county of Denbigh except the parts to be comprised in the county of Gwynedd. In the administrative county of Merioneth, the rural district of Edeyrnion.
Dyfed	The administrative counties of Cardiganshire, Carmarthenshire and Pembroke.
Gwent	The county borough of Newport. The administrative county of Monmouthshire except the parts to be comprised in the counties of Mid Glamorgan and South Glamorgan. In the administrative county of Brecon:— the urban district of Brynmawr; in the rural district of Crickhowell, the parish of Llanelly.
Gwynedd	The administrative counties of Anglesey and Caernarvon. The administrative county of Merioneth except the rural district of Edeyrnion. In the administrative county of Denbigh:— the urban district of Llanrwst; in the rural district of Aled, the parish of Llansantffraid Glan Conway; in the rural district of Hiraethog, the parishes of Eglwysbach, Llanddoget, Llanrwst Rural and Tir Ifan.
Mid Glamorgan ...	The county borough of Merthyr Tydfil. In the administrative county of Glamorgan:— the borough of Rhondda; the urban districts of Aberdare, Bridgend, Caerphilly, Gelligaer, Maesteg, Mountain Ash, Ogmore and Garw, Pontypridd and Porthcawl; the rural districts of Llantrisant and Llantwit Fardre and Penybont; in the rural district of Cardiff, the parishes of Llanfedw, Llanilterne, Pentyrch, Rhydygwern, Rudry and Van; in the rural district of Cowbridge, the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem; in the rural district of Neath, the parish of Rhigos.

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(1) Name of county	(2) Area by reference to existing administrative areas
Mid Glamorgan —cont.	In the administrative county of Brecon, in the rural district of Vaynor and Penderyn, the parishes of Penderyn and Vaynor. In the administrative county of Monmouthshire:— the urban districts of Bedwas and Machen and Rhymney; in the urban district of Bedwellty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillipstown wards.
Powys	The administrative counties of Montgomeryshire and Radnorshire. The administrative county of Brecon except the parts to be comprised in the counties of Gwent and Mid Glamorgan.
South Glamorgan	The county borough of Cardiff. In the administrative county of Glamorgan:— the boroughs of Barry and Cowbridge; the urban district of Penarth; the rural district of Cardiff except the parishes of Llanfedw, Llanilterne, Pentyrch, Rhydygwern, Rudry and Van; the rural district of Cowbridge except the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem. In the administrative county of Monmouthshire, in the rural district of Magor and St. Mellons, the parish of St. Mellons.
West Glamorgan...	The county borough of Swansea. In the administrative county of Glamorgan:— the boroughs of Neath and Port Talbot; the urban districts of Glyncoerrwg and Llŵchwr; the rural districts of Gower and Pontardawe; the rural district of Neath except the parish of Rhigos.

PART II
DISTRICTS

(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Clwyd	C.1	In the administrative county of Denbigh:— the borough of Colwyn Bay; the urban district of Abergele; the rural districts of Aled and Hiraethog except the parts to be comprised in district GD.4.

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(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Clwyd— <i>cont.</i>	C.2	In the administrative county of Flintshire:— the urban districts of Prestatyn and Rhyl; the rural district of St. Asaph.
	C.3	In the administrative county of Flintshire:— the borough of Flint; the urban districts of Holywell and Mold; the rural district of Holywell.
	C.4	In the administrative county of Flintshire:— the urban districts of Buckley and Connah's Quay; the rural district of Hawarden except the part to be comprised in district C.6.
	C.5	In the administrative county of Denbigh:— the boroughs of Denbigh and Ruthin; the urban district of Llangollen; the rural districts of Ceiriog and Ruthin; in the rural district of Wrexham, the parishes of Llangollen Rural and Llantysilio. In the administrative county of Merioneth, the rural district of Edeyrnion.
	C.6	In the administrative county of Denbigh:— the borough of Wrexham; the rural district of Wrexham except the parts to be comprised in district C.5.
		In the administrative county of Flintshire:— the rural district of Maelor; in the rural district of Hawarden, the parish of Marford and Hoseley.
Dyfed	D.1	In the administrative county of Cardiganshire:— the boroughs of Aberystwyth, Cardigan and Lampeter; the urban districts of Aberaeron and New Quay; the rural districts of Aberaeron, Aberystwyth, Teifside and Tregaron.

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(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Dyfed— <i>cont.</i>	D.2	In the administrative county of Pembroke:— the borough of Haverfordwest; the urban districts of Fishguard and Goodwick, Milford Haven and Neyland; the rural districts of Cemaes and Haverfordwest.
	D.3	In the administrative county of Pembroke:— the boroughs of Pembroke and Tenby; the urban district of Narberth; the rural districts of Narberth and Pembroke.
	D.4	In the administrative county of Carmarthenshire:— the borough of Carmarthen; the urban district of Newcastle Emlyn; the rural districts of Carmarthen and Newcastle Emlyn.
	D.5	In the administrative county of Carmarthenshire:— the boroughs of Kidwelly and Llanelli; the urban district of Burry Port; the rural district of Llanelli.
	D.6	In the administrative county of Carmarthenshire:— the borough of Llandovery; the urban districts of Ammanford, Cwmamman and Llandeilo; the rural district of Llandeilo.
	Gwent	GT.1
GT.2		In the administrative county of Monmouthshire:— the urban districts of Abercarn, Mynyddislwyn and Risca; the urban district of Bedwelty except the parts to be comprised in district MG.5.
GT.3		In the administrative county of Monmouthshire, the urban districts of Abertillery, Ebbw Vale, Nantyglo and Blaina and Tredegar.

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(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Gwent— <i>cont.</i>		In the administrative county of Brecon:— the urban district of Brynmawr; in the rural district of Crickhowell, the parish of Llanelly.
	GT.4	In the administrative county of Monmouthshire:— the urban districts of Blaenavon, Cwmbran and Pontypool; in the rural district of Magor and St. Mellons, the parish of Henllys; in the rural district of Pontypool, the parish of Llanfrechfa Lower.
	GT.5	In the administrative county of Monmouthshire:— the boroughs of Abergavenny and Monmouth; the urban districts of Chepstow and Usk; the rural districts of Abergavenny, Chepstow and Monmouth; the rural district of Pontypool except the part to be comprised in district GT.4.
Gwynedd ...	GD.1	In the administrative county of Anglesey:— the borough of Beaumaris; the urban districts of Amlwch, Holy- head, Llangefni and Menai Bridge; the rural districts of Aethwy, Twrcelyn and Valley.
	GD.2	In the administrative county of Caernarvon:— the borough of Pwllheli; the urban districts of Criccieth and Porthmadog; the rural district of Llein; in the rural district of Gwyrfai, the parishes of Beddgelert and Clynnog.
	GD.3	In the administrative county of Caernarvon:— the boroughs of Bangor and Caernarvon; the urban district of Bethesda; the rural district of Ogwen; the rural district of Gwyrfai except the parts to be comprised in district GD.2.
	GD.4	In the administrative county of Caernarvon:— the borough of Conwy; the urban districts of Betws-y-Coed Llandudno, Llanfairfechan and Penmaenmawr; the rural district of Nant Conway.

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(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Gwynedd— <i>cont.</i>		In the administrative county of Denbigh:— the urban district of Llanrwst; in the rural district of Aled, the parish of Llansantffraid Glan Conway; in the rural district of Hiraethog, the parishes of Eglwysbach, Llanddoget, Llanrwst Rural and Tir Ifan.
	GD.5	In the administrative county of Merioneth:— the urban districts of Bala, Barmouth, Dolgellau, Ffestiniog and Tywyn; the rural districts of Deudraeth, Dolgellau and Penllyn.
Mid Glamorgan ...	MG.1	In the administrative county of Glamorgan:— the urban districts of Bridgend, Maesteg, Ogmore and Garw and Porthcawl; the rural district of Penybont.
	MG.2	In the administrative county of Glamorgan, the borough of Rhondda.
	MG.3	In the administrative county of Glamorgan:— the urban districts of Aberdare and Mountain Ash; in the rural district of Neath, the parish of Rhigos.
	MG.4	In the administrative county of Brecon, in the rural district of Vaynor and Penderyn, the parish of Penderyn. The county borough of Merthyr Tydfil. In the administrative county of Glamorgan, in the urban district of Gelligaer, the Bedlinog ward.
	MG.5	In the administrative county of Brecon, in the rural district of Vaynor and Penderyn, the parish of Vaynor. In the administrative county of Glamorgan:— the urban district of Caerphilly except the Taff's Well ward; the urban district of Gelligaer except the Bedlinog ward; in the rural district of Cardiff, the parishes of Llanfedw, Rhydygwern, Rudry and Van. In the administrative county of Monmouthshire:— the urban districts of Bedwas and Machen and Rhymney; in the urban district of Bedwelty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillipstown wards.

SCH. 4

(1) Name of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
Mid Glamorgan— <i>cont.</i>	MG.6	In the administrative county of Glamorgan:— the urban district of Pontypridd; the rural district of Llantrisant and Llantwit Fardre; in the urban district of Caerphilly, the Taff's Well ward; in the rural district of Cardiff, the parishes of Llanilterne and Pentyrch; in the rural district of Cowbridge, the parishes of Llanharan, Llanharry, Llanilid and Peterston-super-Montem.
Powys	P.1	In the administrative county of Montgomeryshire:— the boroughs of Llanfyllin, Llanidloes, Montgomery and Welshpool; the urban districts of Machynlleth and Newtown and Llanllwchaiarn; the rural districts of Forden, Llanfyllin, Machynlleth and Newtown and Llanidloes.
	P.2	In the administrative county of Radnorshire:— the urban districts of Knighton, Llandrindod Wells and Presteigne; the rural districts of Colwyn, Knighton, New Radnor, Painscastle and Rhayader.
	P.3	In the administrative county of Brecon:— the borough of Brecon; the urban districts of Builth Wells, Hay and Llanwrtyd Wells; the rural districts of Brecknock, Builth, Hay and Ystradgynlais; the rural district of Crickhowell except the part to be comprised in district GT.3; in the rural district of Vaynor and Penderyn, the parish of Ystrad-fellte.
South Glamorgan	SG.1	The county borough of Cardiff. In the administrative county of Glamorgan, in the rural district of Cardiff, the parishes of Lisvane, Llanedeyrn, Radyr, St. Fagans and Tongwynlais. In the administrative county of Monmouthshire, in the rural district of Magor and St. Mellons, the parish of St. Mellons.

SCH. 4

(1) Names of county	(2) Reference number of district	(3) Area of district by reference to existing administrative areas
South Glamorgan <i>—cont.</i>	SG.2	In the administrative county of Glamorgan:— the boroughs of Barry and Cowbridge; the urban district of Penarth; the rural district of Cardiff except the parts to be comprised in districts MG.5, MG.6 and SG.1; the rural district of Cowbridge except the parts to be comprised in district MG.6.
West Glamorgan	WG.1 WG.2 WG.3 WG.4	The county borough of Swansea. In the administrative county of Glamorgan, the rural district of Gower. In the administrative county of Glamorgan:— the urban district of Llchwyr; the rural district of Pontardawe. In the administrative county of Glamorgan:— the borough of Neath; the rural district of Neath except the part to be comprised in district MG.3. In the administrative county of Glamorgan:— the borough of Port Talbot; the urban district of Glyncofrwg.

PART III

SCH. 4

COMMUNITIES DIFFERING FROM EXISTING
LOCAL GOVERNMENT AREAS

(1) Reference number of district	(2) Name of community	(3) Area of community by reference to existing administrative areas
GT.2 ...	Bedwelty ...	In the administrative county of Monmouthshire, the urban district of Bedwelty except the Aberbargoed, Cwmsyfiog, New Tredegar and Phillips-town wards.
MG.4 ...	Bedlinog ...	In the administrative county of Glamorgan, in the urban district of Gelligaer, the Bedlinog ward.
MG.5 ...	New Tredegar	In the administrative county of Monmouthshire, in the urban district of Bedwelty, the Aberbargoed, Cwmsyfiog, New Tredegar and Phillips-town wards.
MG.5 ...	Caerphilly ...	In the administrative county of Glamorgan, the urban district of Caerphilly except the Taff's Well ward.
MG.5 ...	Gelligaer ...	In the administrative county of Glamorgan, the urban district of Gelligaer except the Bedlinog ward.
MG.6 ...	Taff's Well ...	In the administrative county of Glamorgan, in the urban district of Caerphilly, the Taff's Well ward.

PART IV

RULES AS TO BOUNDARIES

1. The boundaries of the new local government areas shall be mered by Ordnance Survey.

2. Any such boundary defined on the map annexed to any order under Part VI of the 1933 Act or Part II of the Local Government Act 1958 by reference to proposed works shall, if the works have not been executed at the time of the completion of the first survey made after the passing of this Act for a new edition of Ordnance Survey large-scale plans including that boundary, be mered as if the boundary had not been so defined.

Section 37.

SCHEDULE 5

ESTABLISHMENT OF NEW AUTHORITIES IN WALES

County and district councillors

1. Elections of councillors of the new principal councils shall be held on dates in 1973 fixed by the Secretary of State by order and the persons elected at those elections shall come into office on the fourth day after the day of election.

2.—(1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.

(2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area ; and section 25(2)(a) above shall not apply to any such election.

(3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.

Community councillors

3. Elections of councillors of the new community councils shall be held on a day, not later than 10th March 1974, appointed by the Secretary of State, and—

(a) the persons elected to a community council required to be established by a direction under section 27(3) or (4) above shall come into office on the fourth day after that day ; and

(b) the persons elected to a community council established by virtue of section 27(2)(a) or (b) above shall come into office on 1st April 1974.

4.—(1) The following provisions of this paragraph shall have effect with respect to elections of community councillors before the relevant year of election.

(2) The number of councillors for a community, the area of which is co-extensive with the area of an existing borough or urban district or an existing rural parish having a separate parish council, shall be the same as the number of councillors for that borough, district or parish, as the case may be.

(3) The number of councillors for a group of communities the areas of which are co-extensive with the areas of existing rural parishes grouped under a common council shall be the same as the number of councillors of that council, and the number of councillors representing a community on the common community council shall be the same as the number representing the area of that community on the existing common parish council.

SCH. 5

(4) Where any existing borough, district or parish falling within sub-paragraph (2) or (3) above is divided into wards for the purpose of elections to the council of the borough, district or parish, the community shall be divided into those wards for the purpose of elections of community councillors and the number of councillors to be elected for each community ward shall be the same as the number to be elected for each ward of the existing borough, district or parish, as the case may be.

(5) In the case of a community named in Part III of Schedule 4 to this Act, the Secretary of State may, after causing such notices to be given concerning the matter as he thinks expedient, by order specify the number of community councillors to be elected for the community, divide the community into wards and specify the number of councillors to be returned for each ward.

First elections and meetings of new councils

5.—(1) At the first elections of councillors for a new area, the returning officer shall be an officer of the council appointed by such existing county, borough or urban or rural district council as the Secretary of State may by order designate and not a person appointed under section 41 above.

(2) Section 42(5) and (6) above shall not apply to any such election, but sub-paragraphs (3) and (4) below shall apply instead.

(3) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first elections of councillors for a new principal area shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.

(4) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first elections of councillors for a community shall be paid in the first instance by the council of the new district in which the community is situated, but any expenditure so incurred shall be chargeable only on that community.

(5) Section 42(7) above shall not apply to the first election of councillors for a community, but before a poll is taken at such an election the council of the new district in which the community is situated shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

(6) In relation to the first election of councillors for a new area "the appropriate officer" in Parts II and III of the Representation of the People Act 1949 means the returning officer appointed under this paragraph instead of having the meaning assigned to that expression by section 55(6)(b) of that Act. 1949 c. 68.

6.—(1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal area under section 83 above before the first meeting of

SCH. 5 that council, the clerk of an existing authority designated by the committee established for the area under section 264 above shall be deemed to be and shall act as the proper officer of the council.

(2) Any such declaration delivered by virtue of this paragraph to the said clerk shall be transferred by him to the custody of the proper officer of the new council on the appointment of the latter.

7.—(1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1973.

(2) The meeting shall be convened by the clerk of an authority designated by the committee established for the area of the new council under section 264 above and shall be held at such place as he may appoint instead of such place as the council may direct as required by paragraph 4(1) of Schedule 12 to this Act.

(3) The notice of the meeting required by paragraph 4(2) of that Schedule shall be published at the place where the meeting is to be held instead of at the council's offices and the summons to attend the meeting required by that paragraph shall be signed by the said clerk instead of by the proper officer of the council.

8.—(1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the committee established for the area of the new council under section 264 above shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council, but any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.

(2) At the first meeting of a new principal council the clerk or deputy clerk of an existing authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.

(3) The standing orders for the regulation of the proceedings and business of an existing authority so designated shall apply at the first meeting of a new principal council.

9. The Secretary of State may himself exercise a committee's power of designation for the purposes of any provision of paragraph 6, 7 or 8 above if he is requested to do so on the ground that the committee is unlikely to exercise the power in time for that provision to operate.

10.—(1) The first meeting of a community council established by a direction under section 27(3) or (4) above shall be held within the 21 days immediately following the day of election in 1974 and shall be convened—

(a) where the community is coterminous with an existing borough, by the town clerk of that borough;

(b) where the community is coterminous with or wholly contained in an existing urban district, by the clerk of the council of that district.

(2) The first meeting of a community council established by virtue of section 27(2)(a) or (b) above shall be held before 23rd April 1974 and shall be convened by the clerk of the council of the parish or group of parishes, the area of which is co-extensive with the area of that community or group of communities, as the case may be.

(3) The first meeting of a community council shall be treated as the annual meeting of the council for 1974.

(4) The summons to attend the first meeting required by paragraph 26(2) of Schedule 12 to this Act shall be signed by the clerk by whom the meeting is convened instead of by the proper officer of the council.

(5) In relation to the first elections of the councillors of any community council and in relation to the first meeting of any community council required to be held by this paragraph, the powers conferred on the district council by sections 44(4) and 91 above shall, until 1st April 1974, be exercisable by the council of the existing county in which the area of the community is situated.

Qualification for membership of local authority

11. For the purposes of section 79 above, in its application to a candidate for membership of a new local authority, the new local government areas shall be treated as having been established not less than 12 months before the day of his nomination as such a candidate or, in relation to an election not preceded by the nomination of candidates, before the day of election.

Suspension of elections

12.—(1) No election of councillors of an existing county, borough, urban or rural district or rural parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.

(2) As respects an existing county or borough—

- (a) no ordinary election of aldermen shall be held after the passing of this Act;
- (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day; and
- (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.

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(3) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—

- (a) chairman or vice-chairman of the council of an existing county or urban or rural district or of an existing parish council ;
- (b) mayor of an existing borough ; or
- (c) chairman of the parish meeting of an existing rural parish.

Annual meetings

13. In the year 1973 the annual meeting of a borough council shall be held on such day in the month of March, April or May as the council may fix.

14. In the year 1974 it shall not be necessary for the parish meeting of a rural parish to assemble as required by paragraph 1(1) of Part VI of Schedule 3 to the 1933 Act.

Supplemental

15. In this Schedule “ relevant year of election ” means—

- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 10 to this Act.
- (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule ;
- (c) in relation to community councillors, the first ordinary year of election of such councillors occurring after the making of the order or the last of the orders with respect to the district comprising the community in consequence of the special community review under that Schedule.

Section 45.**SCHEDULE 6****AMENDMENT AND MODIFICATION OF ELECTION LAW***Registration of electors*

1. For section 41(4)(a) of the 1949 Act (persons capable of deputising for registration officer) there shall be substituted the following paragraph :—

- “(a) in England or Wales by the proper officer of the council (within the meaning of the Local Government Act 1972) by whom the registration officer was appointed”.

2. In section 43 of the 1949 Act (payment of registration expenses) for any reference to the local authority whose clerk is registration officer or the local authority whose clerk the registration officer is there shall be substituted a reference to the local authority by whom the registration officer was appointed.

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3. Where under section 136(3) of the 1949 Act (costs of election petitions) the Treasury pay any costs ordered to be paid by a constituency which is situated partly in one district or London borough and partly in another or partly in a London borough and partly in the City and the Temples, the authority from whom the Treasury are to obtain repayment of the amount under that section shall be the authority who appointed the registration officer who is acting returning officer for the constituency, and such contributions shall be made to that authority by any other local authority as the Secretary of State may direct.

4. Until 1st April 1974 the registration officer for any constituency shall be the person who would, by virtue of the 1949 Act, have held that office apart from the changes to local government areas and authorities effected by this Act.

Place and manner of voting at elections

5.—(1) So much of section 11(2) of the 1949 Act (polling districts and places at parliamentary elections) as imposes a duty on each local authority whose clerk is registration officer to divide a constituency into polling districts, designate polling places and keep polling districts and polling places under review shall cease to have effect, but it shall be the duty of the council of each district or London borough to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area and to designate the polling places for those polling districts and to keep the polling districts and polling places under review in accordance with the rules set out in paragraphs (a) to (d) of that subsection; and—

- (a) references in that section to a local authority shall be construed accordingly;
- (b) the reference in the said paragraph (a) to a constituency shall be construed as a reference to so much of the constituency as is situated in the area of the authority; and
- (c) references in that section to that section shall include references to this paragraph.

(2) In paragraph (b) of the said section 11(2) after the word "parish" there shall be inserted the words "or community".

(3) In subsection (4) of the said section 11 "interested authority", in relation to any constituency, means as respects England the council, or where there is no such council, the parish meeting of a parish which is wholly or partly situated within the constituency and as respects Wales the council of a community which is so situated.

SCH. 6

6. For the purposes of section 12(4) of the 1949 Act (postal voting) and section 15 of that Act (voting by proxy) an address shall not be treated as in the same area as a qualifying address unless—

- (a) both addresses are in the same electoral division of Greater London, or
- (b) both addresses are in the same electoral division of a county in England and, if either address is in a parish, both are in the same parish, or
- (c) both addresses are in the same electoral division of a county in Wales and in the same community.

7. In section 18(2) (notice of duties reserved by the returning officer) for the words “the foregoing subsection” there shall be substituted the words “subsection (1A) of this section”.

8. In section 22(1) (polling districts and polling stations at local government elections) after the word “borough”, wherever it occurs, there shall be inserted the words “or district”.

Miscellaneous

9. The following provisions of the 1949 Act, that is to say—

- (a) section 34 (notices at local government elections);
- (b) in section 36(1) (conduct of elections to fill casual vacancies among councillors) the words from the beginning to “district councillor and” and from “or in the case” to “district election rules”;

shall cease to have effect.

10.—(1) In section 36(2) of the 1949 Act after the words “this Act”, in the first place where they occur, there shall be inserted the words “or the Local Government Act 1972”.

(2) For section 36(4) of the 1949 Act (omission to hold parish elections) there shall be substituted the following subsection:—

“(4) An order made by a district council under section 44(4) of the Local Government Act 1972 with respect to an election of parish or community councillors may modify the provisions of this Act and any other enactment relating to such elections and of rules made with respect to such elections under section 42 of that Act.”

1958 c. 55.

11. In section 165 of the 1949 Act (application of the 1949 Act to certain local elections), as amended by Schedule 7 to the Local Government Act 1958, for the words from “of district, rural borough or parish councillors”, in the first place where they occur, to “before mentioned” there shall be substituted the words “of district, parish or community councillors or of the chairman of a district, parish or community council or a parish meeting shall have effect subject to such adaptations, modifications and exceptions as may be made by rules under section 42 of the Local Government Act 1972”.

12. For paragraph 1 of Schedule 4 to the 1949 Act (provisions which may be contained in regulations as to registration) there shall be substituted the following paragraph:—

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“ 1. Provisions prescribing the arrangements to be made for the carrying out of his registration duties by a registration officer for part of a constituency, where the constituency is not co-terminous with or wholly contained in a district or London borough ”.

13. In paragraph 3(1) of Schedule 7 to the 1949 Act (lists of meeting rooms which may be used for parliamentary elections) for the words from the beginning to “borough council” there shall be substituted the words “Every district and London borough council”.

14. In section 11(3) of the Representation of the People Act 1969 (election agents' office) after the word “borough”, there shall be inserted the words “or district”.

1969 c. 15.

SCHEDULE 7

Section 46.

CONSTITUTION AND PROCEEDINGS OF THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

1.—(1) The Commission shall be a body corporate consisting of a chairman, a deputy chairman and not more than five other members.

(2) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with the terms of their respective appointments.

(3) The common seal of the Commission shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.

2. There shall be paid to each member of the Commission such salary or fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

3.—(1) The Secretary of State may appoint, to assist and advise the Commission in the exercise of the Commission's functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to the Commission.

(2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

4. At any meeting of the Commission three shall be the quorum.

5. All acts done at a meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of the Commission, be as valid as if the defect had not existed.

6. Subject to the preceding provisions of this Schedule and to the provisions of, and of any regulations made or directions given under, Part IV of this Act, the procedure of the Commission at and in connection with their meetings shall be such as they may from time to time determine.

SCH. 7

Officers and servants, remuneration and expenses

7.—(1) The Secretary of State may appoint a secretary to the Commission and such other officers and servants of the Commission as he may, with the approval of the Minister for the Civil Service, determine.

(2) Before appointing a person to be a secretary to the Commission, the Secretary of State shall consult with the Commission.

(3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

8. The expenses of the Commission including—

- (a) the salaries, fees and allowances of its members,
- (b) the remuneration and any expenses paid to an assistant commissioner, and
- (c) the remuneration and any expenses paid to the secretary and other officers and servants of the Commission,

together with the fees and allowances paid to persons appointed under paragraph 3 above, shall be defrayed out of moneys provided by Parliament.

Proof of documents

9.—(1) Every document purporting to be an instrument made or issued by the Commission and to be duly sealed with the seal of the Commission or to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence and, unless the contrary is proved, shall be deemed to be an instrument made or issued by the Commission.

(2) Prima facie evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of the Commission to be a true copy of the instrument.

Section 53.

SCHEDULE 8

CONSTITUTION AND PROCEEDINGS OF THE LOCAL GOVERNMENT
BOUNDARY COMMISSION FOR WALES

1.—(1) The Commission shall be a body corporate consisting of a chairman, a deputy chairman and not more than three other members.

(2) At least one of the members of the Commission shall be a person able to speak the Welsh language.

(3) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with the terms of their respective appointments.

(4) The common seal of the Commission shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.

2. There shall be paid to each member of the Commission such salary or fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

3.—(1) The Secretary of State may appoint, to assist and advise the Commission in the exercise of the Commission's functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to the Commission.

(2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

4. At any meeting of the Commission two shall be the quorum.

5. All acts done at a meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of the Commission, be as valid as if the defect had not existed.

6. Subject to the preceding provisions of this Schedule and to the provisions of, and of any regulations made or directions given under, Part IV of this Act, the procedure of the Commission at and in connection with their meetings shall be such as they may from time to time determine.

Officers and servants, remuneration and expenses

7.—(1) The Secretary of State may appoint a secretary to the Commission and such other officers and servants of the Commission as he may, with the approval of the Minister for the Civil Service, determine.

(2) Before appointing a person to be a secretary to the Commission, the Secretary of State shall consult with the Commission.

(3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

8. The expenses of the Commission including—

(a) the salaries, fees and allowances of its members,

(b) the remuneration and any expenses paid to an assistant commissioner,

(c) the remuneration and any expenses paid to the secretary and other officers and servants of the Commission, and

(d) the expenses incurred in taking a poll in pursuance of arrangements under paragraph 4 of Schedule 10 to this Act,

together with the fees and allowances paid to persons appointed under paragraph 3 above, shall be defrayed out of moneys provided by Parliament.

SCH. 8

Proof of documents

9.—(1) Every document purporting to be an instrument made or issued by the Commission and to be duly sealed with the seal of the Commission or to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence and, unless the contrary is proved, shall be deemed to be an instrument made or issued by the Commission.

(2) Prima facie evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of the Commission to be a true copy of the instrument.

Section 63.

SCHEDULE 9

INITIAL REVIEW OF ELECTORAL ARRANGEMENTS IN ENGLAND

1. As soon as practicable after the first election of councillors for any new district in England the English Commission shall review the electoral arrangements for that district for the purpose of considering future electoral arrangements for the district and shall formulate proposals for those arrangements accordingly.

2. The provisions of Part IV of this Act shall apply to a review under paragraph 1 above as they apply to a review under section 50 above, but in its application to a review under that paragraph section 51 above shall have effect as if it required—

- (a) the English Commission to submit a report for any district before such date as the Secretary of State may direct, and
- (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 1 above (whether as submitted to him or with modifications).

3. As soon as practicable after the last order has been made under section 51 above by virtue of paragraph 2 above in relation to the districts in a county the English Commission shall review the electoral arrangements for that county for the purpose of considering future electoral arrangements for the county and shall formulate proposals for those arrangements accordingly.

4. The provisions of Part IV of this Act shall apply to a review under paragraph 3 above as they apply to a review under section 50 above, but in its application to a review under that paragraph section 51 above shall have effect as if it required—

- (a) the English Commission to submit a report for any county before such date as the Secretary of State may direct, and
- (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 3 above (whether as submitted to him or with modifications).

SCHEDULE 10

Section 64.

INITIAL REVIEWS IN WALES

Special community reviews

1. As soon as practicable after 1st April 1974 the Welsh Commission shall conduct a review (to be known as the special community review) of the whole of Wales for the purpose of making proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means—

- (a) the alteration of a community ;
- (b) the constitution of a new community by the amalgamation of communities or by the aggregation of parts of communities or by the separation of part of a community ;
- (c) the abolition of a community and the distribution of its area among other communities ;
- (d) the inclusion in a district of an area forming part of a county but not of a district and the constitution of a new community by—
 - (i) the establishment of the whole or part of that area as a community ; or
 - (ii) the aggregation of the whole of that area or any part of it with one or more communities or parts of communities ;
- (e) the alteration of the area of a county or a district in consequence of any such change ;

and any proposals made by the Commission may include a proposal that the area of a community should be co-extensive with the area of a district.

2. In conducting the special community review the Welsh Commission shall also consider whether any community established by section 20 above or proposed to be constituted in consequence of the review (other than a community which it is proposed should be or remain co-extensive with the area of a district) should—

- (a) have a separate community council ;
- (b) be grouped under a common community council ; or
- (c) should not have a community council, whether separate or common ;

and shall, if they think fit, make proposals accordingly.

3. In considering whether to formulate proposals under paragraph 1 or 2 above the Welsh Commission shall have regard to the wishes of the inhabitants of the areas in question.

4. If in conducting the special community review the Welsh Commission consider it desirable that a poll of local government electors of a community or part of a community should be taken on any

SCH. 10 question, they may arrange for such a poll to be taken and paragraphs 34(5), 37 and 38 of Schedule 12 to this Act shall apply to the poll as they apply to a poll consequent on a community meeting.

5. In conducting the special community review the Welsh Commission shall also review the electoral arrangements for every community, having regard to any proposals which they propose to make in relation to the community under paragraph 1 or 2 above and also to the desirability of making any change in those arrangements apart from those proposals and shall make such proposals, if any, as they think fit with respect to those arrangements.

6. Without prejudice to any direction given by the Secretary of State under section 59 above, where in the course of the special community review the Welsh Commission are of the opinion that they are in a position to submit to the Secretary of State a report on the review of any part of Wales, they shall submit a report to him on the review of that part of Wales, together with the proposals they have formulated thereon or, as the case may be, a notification that they have no proposals to put forward thereon.

7. On receipt of a report under paragraph 6 above the Secretary of State shall either make an order giving effect to any proposals of the Welsh Commission submitted with the report (whether as submitted or with modifications) or make an order providing for the continuation of the existing arrangements applicable to the community or communities in question.

8. If in relation to any area the Secretary of State decides to make an order under paragraph 7 above giving effect with modifications to any of the Welsh Commission's proposals with respect to the boundaries of communities or the establishment of community councils, he may, if he thinks fit, direct the Commission to conduct a review or further review, as the case may be, of the electoral arrangements for the whole or part of that area and to make revised proposals with respect to those arrangements within a time specified in the direction.

9. The following provisions of this Act, that is to say, sections 59, 60(1), (2), (5), (6) and (7), 61, 65, 67, 68, 69 and 78 shall apply in relation to the special community review and any order made in consequence thereof as they apply in relation to a review under Part IV of this Act and any order made in consequence thereof.

Review of electoral arrangements for districts, etc.

10. As soon as practicable after the completion of the special community review so far as it relates to any district, the Welsh Commission shall review the electoral arrangements for that district for the purpose of considering future electoral arrangements for the district and shall formulate proposals for those arrangements accordingly.

11. For the purposes of paragraph 10 and section 55(2) above the special community review shall be taken to have been completed so

far as it relates to any district when the Secretary of State announces his final decision on the last of the orders which he proposes to make under paragraph 7 above with respect to the communities in that district.

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12. The provisions of Part IV of this Act shall apply to a review under paragraph 10 above as they apply to a review under section 57 above, but in its application to a review under that paragraph section 58 above shall have effect as if it required—

- (a) the Welsh Commission to submit a report for any district before such date as the Secretary of State may direct, and
- (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 10 above (whether as submitted to him or with modifications).

Review of electoral arrangements for counties

13. As soon as practicable after the last order has been made under section 58 above by virtue of paragraph 12 above in relation to the districts in a county the Welsh Commission shall review the electoral arrangements for that county for the purpose of considering future electoral arrangements for the county and shall formulate proposals for those arrangements accordingly.

14. The provisions of Part IV of this Act shall apply to a review under paragraph 13 above as they apply to a review under section 57 above, but in its application to a review under that paragraph section 58 above shall have effect as if it required—

- (a) the Welsh Commission to submit a report for any county before such date as the Secretary of State may direct, and
- (b) the Secretary of State to make an order thereunder giving effect to the proposals of the Commission under paragraph 13 above (whether as submitted to him or with modifications).

Supplemental

15. Nothing in this Schedule shall be construed as empowering the making of any alteration to the boundaries between any county in England and any county in Wales.

SCHEDULE 11

Section 78.

RULES TO BE OBSERVED IN CONSIDERING ELECTORAL
ARRANGEMENTS

Counties

1.—(1) This paragraph applies to the consideration by the Secretary of State or either of the Commissions of the electoral arrangements for elections of county councillors.

(2) Having regard to any change in the number or distribution of the local government electors of the county likely to take place

SCH. 11 within the period of five years immediately following the consideration—

- (a) the number of local government electors shall be, as nearly as may be, the same in every electoral division of the county ;
 - (b) every electoral division shall lie wholly within a single district ;
 - (c) every ward of a parish or community having a parish or community council (whether separate or common) shall lie wholly within a single electoral division ; and
 - (d) every parish or community which is not divided into parish or community wards shall lie wholly within a single electoral division.
- (3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above regard shall be had to—
- (a) the desirability of fixing boundaries which are and will remain easily identifiable ;
 - (b) any local ties which would be broken by the fixing of any particular boundary ; and
 - (c) the boundaries of the wards of the districts in the county.

Greater London

2.—(1) This paragraph applies to the consideration by the Secretary of State or the English Commission of the electoral arrangements for elections of councillors of the Greater London Council.

(2) The whole of the City and the Temples shall be included with part of the City of Westminster in the same electoral division and shall be treated for the purposes of this paragraph as forming part, and shall constitute a complete ward, of that London borough.

(3) Every other electoral division of Greater London shall lie wholly within a single London borough.

(4) Every parliamentary constituency wholly within a London borough shall constitute an electoral division.

(5) Where a London borough includes part of a constituency part of which is also included in another London borough or in a district outside Greater London, then, having regard to any change in the number or distribution of the local government electors of Greater London likely to take place within the period of five years immediately following the consideration—

- (a) the number of local government electors in any one electoral division in the borough shall be, as nearly as may be, the same as the number of such electors in the other electoral divisions in the borough and, so far as the operation of the other provisions of this paragraph permits, the same as the average number of such electors in each electoral division of Greater London ; and

- (b) subject to paragraph (a) above, each electoral division in the borough shall consist of two or more complete wards of the borough.
- (6) Subject to paragraphs (a) and (b) of sub-paragraph (5) above, in a case falling within that sub-paragraph, regard shall be had to—
- (a) the desirability of fixing boundaries which are and will remain easily identifiable; and
 - (b) any local ties which would be broken by the fixing of any particular boundary.
- (7) For the purposes of sub-paragraph (5) above the average number of local government electors in each electoral division in Greater London on any date shall be taken to be a number obtained by dividing the aggregate number of local government electors registered on that date in the several registers of local government electors for Greater London by the number of electoral divisions in Greater London existing on that date.

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Districts and London boroughs

3.—(1) This paragraph applies to the consideration by the Secretary of State or either of the Commissions of the electoral arrangements for elections of councillors of a district or London borough.

(2) Having regard to any change in the number or distribution of the local government electors of the district or borough likely to take place within the period of five years immediately following the consideration—

- (a) the ratio of the number of local government electors to the number of councillors to be elected shall be, as nearly as may be, the same in every ward of the district or borough;
- (b) in a district every ward of a parish or community having a parish or community council (whether separate or common) shall lie wholly within a single ward of the district;
- (c) in a district every parish or community which is not divided into parish or community wards shall lie wholly within a single ward of the district.

(3) Subject to sub-paragraph (2) above, in considering the electoral arrangements referred to in sub-paragraph (1) above, regard shall be had to—

- (a) the desirability of fixing boundaries which are and will remain easily identifiable; and
- (b) any local ties which would be broken by the fixing of any particular boundary.

Parishes and communities

4.—(1) This paragraph applies to the consideration by the Secretary of State, by either of the Commissions or by a district council of the electoral arrangements for a parish or community having a parish or community council (whether separate or common).

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(2) In considering whether any such parish or community is to be divided into parish or community wards, regard shall be had to the questions whether—

- (a) the number or distribution of the local government electors for the parish or community is such as to make a single election of parish or community councillors impracticable or inconvenient ; and
- (b) it is desirable that any area or areas of the parish or community should be separately represented on the parish or community council.

(3) Where it is decided to divide any such parish or community into parish or community wards, in considering the size and boundaries of the wards and in fixing the number of parish or community councillors to be elected for each ward, regard shall be had to—

- (a) any change in the number or distribution of the local government electors of the parish or community which is likely to take place within the period of five years immediately following the consideration ;
- (b) the desirability of fixing boundaries which are and will remain easily identifiable ; and
- (c) any local ties which will be broken by the fixing of any particular boundaries.

(4) Where it is decided not to divide the parish or community into parish or community wards, in fixing the number of councillors to be elected for each parish or community regard shall be had to the number and distribution of the local government electors of the parish or community and any change in either which is likely to take place within the period of five years immediately following the fixing of the number of parish or community councillors.

Section 99.

SCHEDULE 12

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

PART I

PRINCIPAL COUNCILS

1.—(1) A principal council shall in every year hold an annual meeting.

(2) The annual meeting of a principal council other than the Greater London Council shall be held—

- (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix ;
- (b) in any other year, on such day in the month of March, April or May as the council may fix.

(3) The annual meeting of the Greater London Council shall be held— SCH. 12

(a) in a year which is a year of ordinary elections of councillors to the Council, on the eighteenth day after the day of election or on such other day within the seven days immediately following that eighteenth day as the Council may fix ;

(b) in any other year, on such day in the month of March, April or May as the Council may fix.

(4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

2.—(1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.

(2) Those other meetings shall be held at such hour and on such days as the council may determine.

3.—(1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed, in the case of the Greater London Council, by twenty members of the Council and in any other case by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then, in the case of the Greater London Council, any twenty members of the Council, and in any other case any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

4.—(1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.

(2) Three clear days at least before a meeting of a principal council—

(a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat ; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.

(3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

(4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.

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(5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

5.—(1) At a meeting of a principal council the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of a principal council, then—

(a) except in Greater London, the vice-chairman of the council, if present, shall preside ;

(b) in the case of the Greater London Council, the vice-chairman or, in his absence, the deputy chairman (if any), if present, shall preside ;

(c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor or an alderman and is chosen for that purpose by the members of the council then present, shall preside.

(3) If—

(a) in the case of a principal council outside Greater London, both the chairman and vice-chairman of the council are absent from a meeting of the council ;

(b) in the case of the Greater London Council, the chairman, vice-chairman and deputy chairman are so absent ;

(c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen ;

another member of the council chosen by the members of the council present shall preside.

6. Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

PART II

PARISH COUNCILS

7.—(1) A parish council shall in every year hold an annual meeting.

(2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

(3) The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

8.—(1) A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.

(2) Those other meetings shall be held at such hour and on such days as the council may determine.

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9.—(1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.

10.—(1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.

(2) Three clear days at least before a meeting of a parish council—

(a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.

(3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

11.—(1) At a meeting of a parish council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

12. Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

13.—(1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a parish council shall be by a show of hands.

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

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PART III

PARISH MEETINGS

14.—(1) The parish meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.

(2) Subject to sub-paragraph (1) above and to sub-paragraph (3) below, parish meetings shall be held on such days and at such times as may be fixed by the parish council or, if there is no parish council, by the chairman of the parish meeting.

(3) In a parish which does not have a separate parish council the parish meeting shall, subject to any provision made by a grouping order, assemble at least twice in every year.

(4) The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening.

(5) A parish meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

15.—(1) A parish meeting may be convened by—

- (a) the chairman of the parish council, or
- (b) any two parish councillors for the parish, or
- (c) where there is no parish council, the chairman of the parish meeting or any person representing the parish on the district council, or
- (d) any six local government electors for the parish.

(2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a parish meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.

(3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a parish meeting relates to—

- (a) the establishment or dissolution of a parish council, or
- (b) the grouping of the parish with another parish or parishes under a common parish council,

(4) Public notice of a parish meeting shall be given—

- (a) by posting a notice of the meeting in some conspicuous place or places in the parish, and
- (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

16. The chairman of a parish council shall be entitled to attend a parish meeting for the parish (or, where a grouping order is in force, for any of the parishes comprised in the group) whether or not he is

a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.

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17.—(1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.

(2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.

(3) If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

18.—(1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.

(2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.

(3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.

(4) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.

(5) A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under section 42 above and of the enactments mentioned in section 165(1) of the Representation of the People Act 1949 shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors. 1949 c. 68.

(6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

19.—(1) Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of

SCH. 12 the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

20.—(1) Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.

(2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

21.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

22. If any person, in a poll consequent on a parish meeting—

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark ; or
- (b) without due authority supplies a ballot paper to any person ;
or
- (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in ; or
- (d) fraudulently takes out of the polling station any ballot paper ; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll ;

he shall—

- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years ; and
- (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

PART IV

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COMMUNITY COUNCILS

23.—(1) A community council shall in every year hold an annual meeting.

(2) In a year which is a year of ordinary elections of community councillors, the annual meeting of a community council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the community council may determine.

(3) The annual meeting of a community council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

24.—(1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.

(2) Any of those other meetings shall be held at such hour and on such day as the council may determine.

25.—(1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.

26.—(1) Meetings of the community council shall be held at such place, either within or without their area, as they may direct, but shall not be held in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost.

(2) Three clear days at least before a meeting of a community council—

(a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.

(3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.

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27.—(1) At a meeting of a community council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

28. Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

29.—(1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a community council shall be by a show of hands.

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

PART V

COMMUNITY MEETINGS

30.—(1) A community meeting may be convened at any time—

(a) in a case where there is a community council, by the chairman of the council or by any two councillors representing the community on the council, and

(b) in any case, by any six local government electors for the community.

(2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a community meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.

(3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a community meeting relates to—

(a) the establishment or dissolution of a community council, or

(b) the grouping of the community with another community or communities under a common community council.

(4) Public notice of a community meeting shall be given—

(a) by posting a notice of the meeting in some conspicuous place or places in the community, and

(b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

31. The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled

to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.

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32.—(1) The proceedings at a community meeting shall not commence earlier than 6 o'clock in the evening.

(2) A community meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

33.—(1) In a community for which there is a community council, the chairman of the council, if present, shall preside at a community meeting.

(2) In any other case, a community meeting shall appoint a person to be chairman at that meeting.

34.—(1) Subject to the provisions of this Act, each local government elector may, at a community meeting or at a poll consequent thereon, give one vote and no more on any question.

(2) A question to be decided by a community meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.

(3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.

(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.

(5) A poll consequent on a community meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to elections of community councillors under section 42 above and of the enactments mentioned in section 165(1) of the Representation of the People Act 1949 shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of community councillors. 1949 c. 68.

(6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

35.—(1) Minutes of the proceedings of a community meeting shall be drawn up and entered in a book provided for the purpose by the proper officer of the community council where there is one or, where there is not, the proper officer of the council of the district in which the community is situated and shall be signed at the conclusion of the community meeting by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

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(2) Until the contrary is proved, a community meeting in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.

36. Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.

37.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a community meeting on such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.

38. If any person, in a poll consequent on a community meeting—

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark ; or
- (b) without due authority supplies a ballot paper to any person ; or
- (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in ; or
- (d) fraudulently takes out of the polling station any ballot paper ; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll ;

he shall—

- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years ; and
- (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

39.—(1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

(2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

40. The names of the members present at a meeting of a local authority shall be recorded.

41.—(1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next following meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

42. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

43. The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

44.—(1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.

(2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

45. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

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SCHEDULE 13

LOANS AND OTHER FINANCIAL PROVISIONS

PART I

BORROWING, LENDING AND FUNDS

Borrowing by local authorities

1. Without prejudice to section 111 above—

- (a) a principal council may borrow money for the purpose of lending money to another authority (including a police, river or harbour authority) under paragraph 13 or 14 below; and
- (b) a local authority other than the Greater London Council may borrow money for any other purpose or class of purpose approved for the purposes of this sub-paragraph by the Secretary of State and in accordance with any conditions subject to which the approval is given.

2.—(1) Where a local authority are authorised by or under this Act or any other enactment to borrow money, they may raise the money—

- (a) by mortgage;
- (b) by the issue of stock;
- (c) by the issue of debentures or annuity certificates under the Local Loans Act 1875;
- (d) by the issue of bonds;
- (e) by the issue of bills;
- (f) by an agreement entered into with the Public Works Loan Commissioners under section 2 of the Public Works Loans Act 1965; or
- (g) by any other means approved by the Secretary of State with the consent of the Treasury.

(2) The powers conferred by this paragraph shall be exercisable subject to and in accordance with the following provisions of this Part of this Schedule.

3. The power of a local authority to borrow money by any means includes power to raise money by those means outside the United Kingdom or in a foreign currency, but only with the consent of, and in accordance with any conditions specified by, the Treasury.

4.—(1) The Secretary of State may by regulations made with the consent of the Treasury—

- (a) prescribe the form of any mortgage deed to be entered into for the purpose of any borrowing by a local authority;
- (b) regulate the issue of stocks and bonds or any such purpose, including the terms on which they are to be issued;
- (c) regulate the manner of transfer, dealing with and redeeming any mortgage created, or stocks or bonds issued, for any such purpose;

1965 c. 63.

(d) apply all or any of the provisions of section 228 above, with or without modifications, to any such mortgage deed, stock or bonds.

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(2) Different provisions may be made under this paragraph for securities of different classes.

(3) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5.—(1) A local authority may borrow by the issue of bills, payable within twelve months from the date of issue—

- (a) any sum which they are authorised to borrow, by or under this Act or any other enactment ; or
- (b) such sums as may be required for the purpose of defraying expenses (including those payable by them to meet the expenses of other local authorities) pending the receipt of revenues receivable by them in respect of the financial year in which those expenses are chargeable.

(2) The aggregate of the amount outstanding on bills issued by a local authority under sub-paragraph (1) above shall not exceed a sum equal to such proportion of the authority's estimated gross income derived from rates during the current financial year as may be prescribed by an order made by the Treasury or, if no such proportion is so prescribed—

- (a) in the case of a county council or the Greater London Council, a sum equal to one-fifth of that income ; and
- (b) in any other case, a sum equal to one-fifth of the proportion of that income retained by the council for its own purposes during that year.

(3) A local authority shall not borrow by the issue of bills in any financial year during which the authority's estimated gross income derived from rates does not exceed £3 million or such other sum as may be prescribed by an order made by the Treasury.

(4) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6. A local authority may issue bonds transferable by delivery (with or without endorsement) and other securities so transferable, but only with the consent of, and in accordance with any conditions specified by, the Treasury.

7.—(1) Where expenditure incurred by a local authority for any purpose is defrayed by borrowing, the local authority shall, subject to paragraph 9(8) below, in each year debit the account from which that expenditure would otherwise fall to be defrayed with a sum equivalent to an instalment of principal and interest combined such that if paid annually it would secure the payment of interest at the due rate on the outstanding principal together with the repayment of the principal not later than the end of the fixed period.

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(2) Sub-paragraph (1) above shall not prevent a local authority from debiting the said account with a sum larger than that specified in that sub-paragraph.

8. A local authority who borrow money under paragraph 1(b) above may during the fixed period borrow further sums, without the approval of the Secretary of State under that sub-paragraph, for the purpose of repaying the money so borrowed.

1963 c. 46.

9.—(1) Where a sum is borrowed before or after the coming into force of this Schedule, but not before 31st July 1963 (being the commencement date of the Local Government (Financial Provisions) Act 1963) by a local authority for any of the following purposes, that is to say,—

- (a) meeting expenditure on the construction of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character ;
- (b) carrying out on land any other operations, being operations of a prescribed kind or operations specified in relation to that land by direction of the Secretary of State ;
- (c) acquiring land for the purpose of the construction thereon of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character, or for the purpose of the carrying out thereon of operations of a kind prescribed by virtue of paragraph (b) above, or operations specified in relation to that land by direction of the Secretary of State ;
- (d) acquiring land specified by direction of the Secretary of State ;

the authority may in respect of one permitted period determined by them exercise their power of suspension as defined by sub-paragraph (4) below or their power of borrowing under sub-paragraph (5) below, or both powers.

(2) Where—

- (a) land is acquired by a local authority before or after the coming into force of this Schedule, but not before 31st July 1963 ; and
- (b) a sum is borrowed by the authority for the purpose of the acquisition ; and
- (c) the acquisition is not for a purpose mentioned in sub-paragraph (1)(c) above ; and
- (d) the land is subsequently appropriated for a purpose so mentioned ;

the authority may in respect of one permitted period determined by them exercise their power of suspension as defined by sub-paragraph (4) below or their power of borrowing under sub-paragraph (5) below, or both powers.

(3) Where before 31st July 1963 land has been acquired by a local authority, and a sum was borrowed by the authority for the purpose of the acquisition, and either—

(a) the land was acquired for a purpose mentioned in sub-paragraph (1)(c) above, or (not having been so acquired) was before that date appropriated for such a purpose, but the construction, extension or alteration of the works or the carrying out of the operations that constitutes the purpose for which the land was acquired or appropriated was not begun till after that date, or was begun but not completed before that date ; or

(b) the land was, on or after that date, appropriated for a purpose mentioned in the said sub-paragraph (1)(c) ;

the authority may in respect of one permitted period determined by them exercise their power of suspension as defined by sub-paragraph (4) below or their power of borrowing under sub-paragraph (5) below, or both powers.

(4) A local authority's power of suspension is a power to suspend, in whole or in part, any annual provision required to be made during the permitted period for the repayment of the principal.

(5) A local authority's power of borrowing under this sub-paragraph is a power to borrow money for the payment of all or any of the interest due in respect of the permitted period on the principal.

(6) The permitted period in relation to a sum borrowed as mentioned in sub-paragraph (1)(d) above is a period not longer than ten years, nor beginning ten years or less before the expiration of the fixed period for that sum, and in any other case is a period not longer than five years, nor beginning five years or less, before the expiration of the fixed period for the sum originally borrowed ; but the Secretary of State may in any case, if requested to do so by the local authority by whom the sum was borrowed, substitute for the references in the foregoing provision to ten years or the references in that provision to five years a longer period so requested.

(7) A sum borrowed by virtue of sub-paragraph (5) above for the payment of interest on the principal must be repaid within the fixed period for the principal.

(8) Where by virtue of paragraph 7 above a local authority are required to debit a sum to any account and they suspend, in whole or in part, any annual provision for the repayment of the principal, they may refrain from debiting to that account an amount equal to the amount of the annual provision so suspended.

(9) Any reference in any enactment passed before this Act to Part IX or section 198 of the 1933 Act shall be construed as including a reference to the foregoing provisions of this paragraph.

10.—(1) A local authority may, without the approval of the Secretary of State under paragraph 1(b) above, borrow by way of temporary loan or overdraft from a bank or otherwise any sums which they may temporarily require—

(a) for the purpose of defraying expenses (including the payment of sums due by them to meet the expenses of other authorities) pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable ;

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(b) for the purpose of defraying, pending the raising of a loan which the authority have been authorised to raise, expenses intended to be defrayed by means of the loan.

(2) Where a local authority borrow money under this paragraph for a purpose mentioned in paragraph 1(b) above or, in the case of the Greater London Council, a purpose authorised by any local enactment and subsequently raise a loan for that purpose, the loan shall, to the extent of the sum borrowed temporarily, be treated for the purposes of this Part of this Schedule as having been made at the time of the temporary borrowing.

11.—(1) All money borrowed by a local authority, whether before or after the coming into force of this Schedule, shall be charged indifferently on all the revenues of the authority.

(2) Subject to sub-paragraph (3) below, all securities created by a local authority, whether under this Part of this Schedule or any other enactment or instrument under an enactment, shall rank equally without any priority.

(3) This paragraph shall not affect any priority existing at, or any right to priority conferred by a security created before, 1st June 1934.

12. Two or more local authorities may combine to exercise their powers of borrowing under this Part of this Schedule jointly, and where they do so—

(a) any limit on the amount which each authority may borrow shall apply to the amount which each authority receive from the joint loan ;

(b) paragraph 11 above shall apply to the money so borrowed as if references to a local authority were references to the local authority by whom the money is received.

Loans by local authorities

13.—(1) A local authority or the Common Council may lend to another authority mentioned in sub-paragraph (2) below, on such terms as may be agreed between them, such sums as that other authority may require for any purpose for which that other authority are authorised to borrow money by or under this Act or any other enactment.

(2) The authorities to whom sums may be lent under sub-paragraph (1) above are local authorities, the Common Council, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, a joint board consisting of representatives of local authorities or any of the foregoing authorities and, without prejudice to the foregoing, a police or river authority.

14.—(1) A principal council may make loans to a harbour authority for a harbour wholly or partly situated within the area of the council, on such terms as may be agreed between the council and the authority, for the purpose of enabling the harbour authority to do anything which they have power to do.

(2) In this paragraph “harbour” and “harbour authority” have the same meanings as in the Harbours Act 1964.

Funds of local authorities

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15.—(1) A local authority may in accordance with a scheme made by them establish and operate a loans fund for defraying any expenditure which the authority are authorised by or under any enactment to meet out of moneys borrowed by them and for the repayment or redemption of debt.

(2) A scheme made by a local authority under this section may be varied or revoked by a subsequent scheme made by them.

16.—(1) Subject to the provisions of this Part of this Schedule, a local authority may establish either or both of the following funds, that is to say—

(a) a capital fund, to be used for defraying any expenditure of the authority to which capital is properly applicable or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans);

(b) a renewal and repairs fund, to be used for the purpose of defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing any buildings, works, plant, equipment or articles belonging to the authority.

(2) It is hereby declared that the reference to the authority in sub-paragraph (1)(b) above, in the case of a county council, includes a reference to a police authority which is a committee of that council.

(3) A fund established by a local authority under this paragraph shall not be used to meet, directly or indirectly, any expenditure incurred by the authority for the purposes of an undertaking of the authority, being a transport, water, district heating, harbour, dock, pier or ferry undertaking or a market or civic restaurant, except that such a fund may be used by the Greater London Council so to meet any expenditure incurred by them for the purpose of a civic restaurant.

(4) Pending the application of any such fund as aforesaid for the purposes authorised by this paragraph, the money in the fund shall (unless applied in any other manner authorised by or under any enactment) be invested in statutory securities.

(5) A local authority may close any fund established by them under any other enactment for a purpose for which a fund may be established under this paragraph and transfer any final balance standing to the credit of the former fund to any other fund established by them under this paragraph.

(6) In this paragraph “statutory securities” means any security in which trustees are for the time being authorised by law to invest trust moneys.

17.—(1) Subject to the provisions of this paragraph, a local authority by whom a capital fund is established under paragraph 16 above may pay into that fund—

(a) any sums derived from the sale of any property of the local authority, not being property held by them for

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a purpose expenditure on which is prohibited by paragraph 16(3) above ;

- (b) the whole or any part of the surplus of the revenue income over the revenue expenditure of the revenue fund on 31st March in any year, except so far as required by law to be applied to or carried forward for any other purpose ; and
- (c) such other sums from the revenue fund as the local authority may by resolution direct ;

and shall pay into that capital fund a sum equal to the amount of any income arising from the fund.

(2) The aggregate amount paid by a local authority into a capital fund under paragraphs (b) and (c) of sub-paragraph (1) above shall not, except with the consent of the Secretary of State, exceed in any year the equivalent of the product of a rate of 5p in the pound, and no payment shall be made by the local authority into any such capital fund so as to make the fund exceed such sum as the Secretary of State may from time to time determine either generally or in any particular case.

(3) In the case of an application of money in any such capital fund, the amount to be applied shall not in any one transaction exceed such sum as the Secretary of State may determine generally or in any particular case.

(4) Except as provided by this paragraph, all money applied from any such capital fund may, if the local authority think fit, be repaid from the account to which that money is advanced by such annual instalments (with or without interest) and within such period as the local authority may determine.

18.—(1) Subject to the provisions of this paragraph, a local authority by whom a renewal and repairs fund is established under paragraph 16 above may from time to time pay into that fund such sums as they think fit from the revenue fund and shall so pay a sum equal to the amount of any income arising from the renewal and repairs fund.

(2) No payment shall be made by a local authority into any such renewal and repairs fund so as to make the fund exceed such sum as the Secretary of State may from time to time determine either generally or in a particular case.

(3) The purposes for which any such renewal and repairs fund may be applied shall not include expenditure for the purposes of an undertaking of the authority in respect of which the authority are authorised to provide a reserve fund.

19.—(1) Notwithstanding anything in any enactment, a local authority may use, for any purpose for which the authority has a statutory power to borrow, any money forming part of, but not for the time being required for the purposes of, any fund of theirs to which this paragraph applies ; and where any such money is so used the following provisions of this paragraph shall have effect.

(2) The money so used shall be repaid to the said fund as follows:—

- (a) it shall be repaid as and when it is required for the purposes of that fund ;
- (b) if not required to be repaid earlier under paragraph (a) above, it shall be repaid within the period within which a loan raised under the statutory power would be repayable, or at such time before the expiration of that period as the authority may resolve ;
- (c) the repayment shall be made out of the revenue fund of the authority, or out of money which would have been applicable to the repayment of a loan raised under the statutory power, and shall be made by the method by which a loan raised under the statutory power would be repayable.
- (3) In the accounts of the revenue fund of the authority, an amount equal to interest at the appropriate rate on the money so used and for the time being not repaid shall be credited to the said fund and debited to the undertaking or purpose for which the money is so used.
- (4) The statutory power shall be deemed to be exercised by the use of money under this paragraph as fully in all respects as if a loan of the same amount had been raised in exercise of the power.
- (5) This paragraph applies to any fund established for the repayment of debt, or as a reserve, or for the maintenance, renewal or repair of property, or for superannuation of staff, or for insurance, or otherwise for meeting future expenditure of a capital or non-recurring nature, or for any like purpose.

(6) In this paragraph—

“interest at the appropriate rate” means interest at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory power ;

“statutory power to borrow” means a power to borrow conferred by or under this Act or any other enactment, except the power to borrow by way of temporary loan or overdraft conferred by paragraph 10 above.

(7) The powers conferred by this paragraph are in addition to, and not in derogation of, the powers conferred by or under any other enactment.

Miscellaneous

20. A person lending money to a local authority shall not be bound to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity, or by the misapplication or non-application of any of that money.

21. This Part of this Schedule shall not apply to—

- (a) any mortgage of property effected under section 310 of the Public Health Act 1936 or any previous corresponding 1936 c. 49.

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1957 c. 56.
- enactment, or the power of a local authority under that section to effect a mortgage ; or
- (b) any local bonds issued under section 138 of the Housing Act 1957 or any previous corresponding enactment, or the power conferred on a local authority by that section to issue local bonds.
- 22.—(1) In this Part of this Schedule—
 “debentures” includes debenture stock ;
 “fixed period”, in relation to any money borrowed, means the period within which the money is to be repaid as determined by the local authority with the consent of the Secretary of State or, in the case of the Greater London Council, of the Treasury ;
 “revenue fund” means the county fund, the general rate fund, the general fund of the Greater London Council or the general rate of the City, as the case may be.
- (2) In paragraphs 15 to 19 above “local authority” includes the Common Council and a combined police authority which is a body corporate.

PART II

AMENDMENTS WITH RESPECT TO FINANCE AND RATING

The Rating and Valuation Act 1925

- 1925 c. 90.
1967 c. 9.
23. In section 2(7) of the Rating and Valuation Act 1925 (as amended by section 116(9) of the General Rate Act 1967) for the words “a rating area other than a rural district” there shall be substituted the words “any rating area”.

The Rural Water Supplies and Sewerage Act 1944

1944 c. 26.

24. In section 6 of the Rural Water Supplies and Sewerage Act 1944 for the words “rural district council” there shall be substituted the words “district council”.

Parish Councils Act 1957

1957 c. 42.

25. After subsection (1) of section 3 of the Parish Councils Act 1957 there shall be inserted the following subsection—

(1A) Where the council of a parish or community or a parish meeting exercise the powers conferred on them by subsection (1) above in part only of the parish or community, then, notwithstanding anything in section 150 of the Local Government Act 1972, the parish or community council or parish meeting may by resolution declare the expenses incurred under this section to be chargeable only on such part of their area as may be specified in the resolution, and any such resolution may be varied or revoked by a subsequent resolution of the council or meeting, as the case may be.

The Town and Country Planning Act 1959

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26. In the Town and Country Planning Act 1959, for section 1959 c. 53. 27(2)(d) there shall be substituted the following paragraph:—

(d) that the capital money is to be applied by the authority for any purpose for which borrowing is authorised by paragraph 1(b) of Schedule 13 to the Local Government Act 1972.

The Local Government Act 1966

1966 c. 42.

27.—(1) In section 1(5) of the Local Government Act 1966 for the words from “but no payment” to “district” there shall be substituted the words “but no payment in respect of the needs element shall be made to the council of a metropolitan county or a non-metropolitan district”.

(2) Notwithstanding anything in section 2(3) of that Act a rate support grant order may be made under that section in advance for the year 1973-74.

The General Rate Act 1967

28.—(1) The General Rate Act 1967 shall be amended in accordance with the following provisions of this paragraph. 1967 c. 9.

(2) In section 2(2) for the words “rural district council” in both places where they occur, and in section 5(1)(e) for those words, there shall be substituted the words “district council”.

(3) In section 38(4), for the word “counties” there shall be substituted the words “non-metropolitan counties and metropolitan districts”.

(4) In section 67(2)(b) for sub-paragraphs (ii) and (iii) there shall be substituted the following paragraph:—

“(ii) in respect of any rating district.”

(5) In section 112, the words “or urban district”, “or district” and “rural” shall cease to have effect.

(6) In section 115, for the definition of “rating district” there shall be substituted the following definition:—

“‘rating district’ means—

(a) as respects Greater London, a rating area or, subject to paragraph 8(1)(b) of Schedule 4 to this Act, any part of a rating area which is subject to separate or differential rating (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947);

(b) except as respects Greater London—

(i) any part of a rating area which is subject to separate or differential rating;

(ii) in a parish or community part of which is so subject, the part which is not so subject;

(iii) a parish no part of which is so subject;

(iv) a community which is not co-extensive with the area of a district and no part of which is so subject;

(v) any part of a rating area in England not falling within sub-paragraph (i), (ii) or (iii) above;

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(vi) any rating area no part of which falls within any of the foregoing sub-paragraphs”.

29.—(1) Sections 88, 89 and 91 of the said Act of 1967 shall have effect subject to the following provisions of this paragraph.

(2) It shall be the duty of every new county council to make and submit to the Secretary of State not later than a date prescribed for the purposes of this sub-paragraph a scheme for the constitution of a local valuation panel for the county or two or more local valuation panels for areas which together comprise the whole of the county.

(3) A county council may discharge the said duty by making and submitting to the Secretary of State a joint scheme with one or more other county councils for the constitution of a local valuation panel or local valuation panels for the whole of their respective counties, or for areas which together comprise the whole of their respective counties.

(4) A scheme under this paragraph shall be treated for all purposes as having been made under section 91(a) of the said Act of 1967 and submitted to the Secretary of State under section 91(3) of that Act.

(5) Any such scheme approved by the Secretary of State under section 91(5) of that Act shall not come into operation until a date prescribed for the purposes of this sub-paragraph.

(6) Any scheme in force for the purposes of section 88 of that Act immediately before 1st April 1974 for an existing county or county borough shall, notwithstanding the abolition or alteration of the county or borough but subject to section 91(1) of that Act, continue in force until a date prescribed for the purposes of this sub-paragraph and shall then expire.

(7) Any vacancy occurring before the date prescribed for the purposes of this sub-paragraph in the membership of a local valuation panel constituted under a scheme continued in force by sub-paragraph (6) above shall—

- (a) if the area for which the panel is constituted is co-extensive with or wholly comprised in the area of a new county, be filled by a person appointed by the council of that county ;
- (b) otherwise, be filled by a person appointed jointly by the councils for those counties which include any part of the area for which the panel is constituted.

Section 180.

SCHEDULE 14

AMENDMENT AND MODIFICATION OF PUBLIC HEALTH ACTS, ETC.

PART I

THE PUBLIC HEALTH ACT 1936

1936 c. 49.

1. For section 1 there shall be substituted the following section—

“ 1.—(1) Subject to the provisions of this Act with respect to certain special authorities, districts and areas, it shall be the duty of the following authorities to carry this Act into execution, that is to say—

- (a) in a county, the county council as respects certain matters and the district councils as respects all other matters, without prejudice, however, to the exercise by a parish or community council of any powers conferred upon such councils ;
- (b) in a London borough, the borough council ;
- (c) in the City of London, the Common Council ; and
- (d) in the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer thereof respectively.
- (2) In this Act—
- “community”, in relation to a common community council acting for two or more grouped communities, means those communities ;
- “district”, in relation to a local authority in Greater London, means a London borough, the City of London, the Inner Temple or the Middle Temple, as the case may be ;
- “local authority” means the council of a district or London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple ;
- “parish”, in relation to a common parish council acting for two or more grouped parishes, means those parishes.”

2. Any reference to an urban authority or rural authority shall be construed as a reference to a local authority.

3. Proviso (a) to section 7(1) shall cease to have effect.

4. Without prejudice to paragraph 2 above, the following provisions, that is to say, sections 41, 46, 79, 80, 107(1) and (2), 108, 263 and 264 shall apply throughout the district of every local authority.

5.—(1) The powers exercisable by a local authority under sections 74(2) and 76(1) shall be exercisable in a county by the county council and in Greater London by the Greater London Council, except that the powers conferred by section 76(1)(c), so far as they relate to the provision of plant or apparatus for sorting and baling waste paper collected separately from other refuse, shall be exercisable concurrently by the local authority and the county council or the Greater London Council, as the case may be, and—

- (a) any reference to a local authority in sections 74(2) and 76(1) shall be construed accordingly ; and
- (b) any reference to a local authority in section 76(3), so far as that subsection relates to material deposited in a place provided for the deposit of refuse, shall be construed as a reference to the county council or the Greater London Council as the case may be, and not to any other authority.

(2) The places provided by a county council or the Greater London Council under section 76(1) of the said Act of 1936 for the deposit of refuse may be either places for the initial deposit by local authorities of refuse removed by them or places for the final deposit

SCH. 14 of refuse, and the powers of the county council and the Greater London Council under that section shall include power—

(a) to transport refuse from the former kind of place to the latter kind or to plant or apparatus provided by the county council or the Greater London Council, as the case may be, under that section ; and

(b) to sell any refuse which has been deposited at any such place or delivered to the council under section 74(2).

(3) It shall be the duty of a local authority, unless otherwise directed by the county council or the Greater London Council, to deposit, at the place appointed for the deposit thereof, all refuse removed by that authority within their district, except any refuse sold by them under section 76(2).

(4) An order under section 254 above may include provisions for securing that proper arrangements are in force with respect to the removal, treatment and disposal of refuse during the period of two years beginning with 1st April 1974, and sections 74(2) and 76 of the said Act of 1936 and the foregoing provisions of this paragraph shall have effect subject to the provisions of any such order.

6.—(1) Where a local authority make charges under section 73(2) for removing trade refuse, the county council or the Greater London Council, as the case may be, shall be entitled to such proportion of the proceeds as may be agreed or as may, in default of agreement, be determined by arbitration to be reasonable, having regard to the expenditure incurred by the county council or the Greater London Council in discharging their functions in connection with refuse.

(2) The county council or the Greater London Council, as the case may be, shall pay a reasonable contribution towards expenditure reasonably incurred by a local authority in conveying refuse removed by the authority from premises within their district to any place appointed by the county council or the Greater London Council for the deposit of such refuse where the distance of that place from the district is unreasonably far or the place is unsuitable for the authority's refuse removal vehicles.

(3) Any dispute between a local authority and the county council or the Greater London Council as to whether—

(a) expenditure has been reasonably incurred in conveying refuse ;

(b) a place is unreasonably far from the local authority's district or unsuitable for their refuse removal vehicles ;

(c) the amount of any contribution is reasonable ;

shall be determined by arbitration.

7. Paragraphs 5 and 6 above shall not apply to Wales.

8. In section 77(2)(b) the words from " or, in case of dispute " to the end shall cease to have effect.

9.—(1) For sections 87(1) and (2) there shall be substituted the following subsections :—

"(1) A county council, the Greater London Council, a local authority or a parish or community council may, subject to

subsection (2) of this section, provide sanitary conveniences in proper and convenient situations.

(2) Any such council or authority shall not provide any such convenience in or under a highway or proposed highway for which they are not the highway authority without the consent of the highway authority."

(2) In section 87(3) for the words "a county council or local" there shall be substituted the words "any such council or".

10. In section 88 any reference to a local authority shall in relation to a street, being a highway for which the local authority are not the highway authority, be construed as a reference to the highway authority.

11. In section 107(1) for the definition of "offensive trade" there shall be substituted the following definition:—

"In this section 'offensive trade' means—

(a) as regards the whole of the district of the authority, the trade or business of a blood boiler, blood drier, bone boiler, fat extractor, fat melter, fellmonger, glue maker, gut scraper, rag or bone dealer, size maker, soap boiler, tallow melter or tripe boiler; and

(b) as regards the whole or part of that district, any other trade, business or manufacture—

(i) which immediately before 1st April 1974 was by virtue of any enactment an offensive trade in that district or part, as the case may be; or

(ii) which the local authority by order confirmed by the Secretary of State and published in accordance with his directions have, on or after that date, declared to be an offensive trade in that district or part, as the case may be.

12. The power of the Secretary of State to require local authorities to make byelaws under section 108 is hereby abolished.

13. In sections 152(1), 157, 158(1) and 163(1) any reference to the medical officer of health of a district or some other registered medical practitioner shall be construed as a reference to the proper officer of the local authority for that district or a registered medical practitioner.

14. In sections 153(2), 160(3) and 242 for any reference to the medical officer of health of a district there shall be substituted a reference to the local authority for the district.

15. In section 162(1) for the words from "the medical officer of health" to "that district" there shall be substituted the words "the proper officer of the local authority for the district in which a dead body lies".

16. In section 179, for the words from the beginning to "county council or" there shall be substituted the words "The council of a non-metropolitan county or a".

17. In section 203 for references to the medical officer of health of the welfare authority and his office or residence there shall be substituted references respectively to the welfare authority and their offices.

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1936 c. 49.

18. The powers conferred by Part VIII on local authorities within the meaning of the Public Health Act 1936 shall be exercisable not only by such authorities but also by all local authorities within the meaning of this Act, whether or not they are local authorities within the meaning of that Act, and references in that Part to a local authority shall be construed accordingly.

19. All directions in force under section 267(1)(c) immediately before 1st April 1974 shall cease to have effect.

20. Any reference in section 278 to a local authority shall include a reference to a county council and the Greater London Council.

21. Section 321 shall cease to have effect.

22. In section 343 for the definition of contributory place there shall be substituted the following definition:—

1967 c. 9. “ ‘contributory place’ means a rating district within the meaning of the General Rate Act 1967.”.

PART II

OTHER ENACTMENTS

Public Health Acts 1875 to 1925

23. Subject to the following provisions of this Schedule and the provisions of Schedule 26 to this Act, all the provisions of the Public Health Acts 1875 to 1925 shall extend throughout England and Wales, whether or not they so extended immediately before 1st April 1974.

24. Paragraph 23 above shall not apply to the following enactments, that is to say—

1875 c. 55. (a) so much of section 160 of the Public Health Act 1875 as incorporates the provisions of the Towns Improvement Clauses Act 1847 with respect to the naming of streets (hereafter in this Schedule referred to as “the original street-naming enactment”);

(b) section 171(4) of the said Act of 1875;

1890 c. 59. (c) section 51 of the Public Health Acts Amendment Act 1890;

1907 c. 53. (d) sections 21, 82, 83 and 85 of the Public Health Acts Amendment Act 1907; and

1925 c. 71. (e) sections 17 to 19 and 76 of the Public Health Act 1925; and those enactments shall, subject to paragraph 25 below, apply to those areas, and only those, to which they applied immediately before 1st April 1974.

25.—(1) Subject to sub-paragraphs (2) and (4) below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

(2) A resolution under this paragraph disapplying— SCH. 14

(a) section 171(4) of the Public Health Act 1875 ; 1875 c. 55.

(b) section 51 of the Public Health Acts Amendment Act 1890 c. 59.
1890 ;

(c) section 82, 83 or 85 of the Public Health Acts Amendment 1907 c. 53.
Act 1907 ; or

(d) section 76 of the Public Health Act 1925 ; 1925 c. 71.

must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.

(3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.

(4) A resolution under this paragraph applying or disapplying section 171(4) of the Public Health Act 1875 throughout an area shall not have effect unless approved by the Secretary of State.

(5) The notice which is requisite for a resolution given under subparagraph (1) above is a notice—

(a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area ;
and

(b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.

(6) The date on which a resolution under this paragraph is to take effect shall—

(a) except in the case of a resolution applying or disapplying section 171(4) of the Public Health Act 1875 throughout any area, be a date specified therein, being not earlier than one month after the date of the resolution ; and

(b) in the said excepted case, be a date specified in the Secretary of State's approval of the resolution.

(7) A copy of a resolution of a local authority under this paragraph, certified in writing to be a true copy by the proper officer of the authority, shall in all legal proceedings be received as evidence of the resolution having been passed by the authority.

26. The following enactments shall not extend to Greater London, that is to say—

(a) sections 160 and 171 of the Public Health Act 1875 ;

(b) section 51 of the Public Health Acts Amendment Act 1890 ;

SCH. 14
1907 c. 53.
1847 c. 89.
1925 c. 71.

(c) sections 21 and 80 of the Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the Town Police Clauses Act 1847 ;

(d) sections 17 to 19, 75 and 76 of the Public Health Act 1925.

27.—(1) The powers conferred on certain authorities by the enactments to which this paragraph applies shall be exercisable not only by those authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities for the purposes of the Public Health Acts 1875 to 1925, and references in those enactments to an urban authority or a local authority shall be construed accordingly.

(2) This paragraph applies to the following enactments, that is to say—

1875 c. 55.
1890 c. 59.

(a) section 164 of the Public Health Act 1875 ;

(b) section 44 of the Public Health Acts Amendment Act 1890 ;

(c) Part VI of the Public Health Acts Amendment Act 1907, as amended by Part VI of the Public Health Act 1925.

28. A district council shall not without the consent of the highway authority—

(a) provide a clock under section 165 of the Public Health Act 1875 in a case where it overhangs a highway ; or

(b) exercise any power under section 40 or 42 of the Public Health Acts Amendment Act 1890 or section 14 or 75 of the Public Health Act 1925 in relation to a highway.

29. A highway authority who are not a local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise concurrently with the local authority powers conferred on the latter by section 153 of the Public Health Act 1875.

1963 c. 33.

30. Any reference in section 161 of the said Act of 1875 to an urban authority shall, in relation to a metropolitan road within the meaning of the London Government Act 1963, be construed as a reference to the Greater London Council alone.

31. A local authority within the meaning of the Public Health Acts 1875 to 1925 may exercise the powers conferred by section 31 of the Public Health Acts Amendment Act 1907 without being empowered by an order made by the Secretary of State.

32. So much of section 76 of the said Act of 1907 as enables the Secretary of State to make rules governing the exercise by local authorities of their powers under that section shall cease to have effect.

33. In section 16(1) of the Public Health Act 1925 the words from “in relation” to “county council or” shall cease to have effect.

The Parish Councils Act 1957

1957 c. 42.

34. In section 3(1) of the Parish Councils Act 1957, for the words from the beginning to the word “council”, in the second place where it occurs, there shall be substituted the words “The council

of a parish or community or, in the case of a parish for which there is no parish council” and for the words “in that part of the parish, as the case may be” there shall be substituted the words “community, or in any part thereof”.

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The Public Health Act 1961

35. Section 16 of the Public Health Act 1961 shall cease to have effect.

36. In section 17(1) of that Act for the words “the medical officer of health or public health inspector” there shall be substituted the words “the local authority” and for the word “he” there shall be substituted the word “they”.

37. The powers conferred on a local authority by section 34 of that Act shall as respects England be exercisable also by a county council and references in that section to a local authority shall be construed accordingly.

38.—(1) In section 38(1) of that Act for the words “the medical officer of health for any district” there shall be substituted the words “a registered medical practitioner nominated by the local authority for a district” and for the words from “the medical officer of health”, in the second place where they occur, to the end there shall be substituted the words “a registered medical practitioner so nominated”.

(2) In section 38(2) of that Act for the words from “the medical officer” to the end there shall be substituted the words “a registered medical practitioner so nominated to enter any premises, and for the purposes of that subsection that practitioner shall, if not an officer of the local authority, be treated as one.”

39. In section 40(2) of that Act, the words “on the advice of their medical officer of health” shall cease to have effect.

40. The powers conferred on a local authority by sections 44 and 46 of that Act shall, in the case of a street outside Greater London which is a highway, be exercisable by the highway authority as well as by the local authority.

41. The proviso to section 51(1) of that Act shall cease to have effect.

42. The powers conferred by sections 52 to 54 of that Act on local authorities shall be exercisable not only by such authorities, but also by all local authorities within the meaning of this Act, whether or not they are local authorities within the meaning of that Act, and references in those sections to a local authority shall be construed accordingly.

43. The functions of a local authority under section 73 of that Act shall be functions solely of the county council and the Greater London Council, and references in that section to a local authority shall be construed accordingly.

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1966 c. 42.

The Local Government Act 1966

44. For section 10(1)(a) of the Local Government Act 1966 there shall be substituted the following paragraph:—

“(a) in the payment of salaries to registered medical practitioners and other persons with professional qualifications in the practice and administration of public health who are employed by such authorities.”

1967 c. 69.

The Civic Amenities Act 1967

45. In section 18(6) of the Civic Amenities Act 1967 for the definition of local authority there shall be substituted the following definition:—

“‘local authority’ means, in relation to England, the council of a county and the Greater London Council and, in relation to Wales, the council of a district.”

1968 c. 46.

The Health Services and Public Health Act 1968

46. Section 51 of the Health Services and Public Health Act 1968 shall cease to have effect.

47.—(1) In section 54(1) of that Act for the words “the medical officer of health or by a registered medical practitioner nominated by him” there shall be substituted the words “a registered medical practitioner nominated by the local authority for that district”.

(2) In section 54(2) of that Act for the words from “the medical officer” to the end there shall be substituted the words “a registered medical practitioner so nominated to enter any premises, and for the purposes of that subsection that practitioner shall, if not an officer of the local authority, be treated as one”.

48. In section 70 of the said Act of 1968 for the words from “the medical officer of health” to “receives” there shall be substituted the words “the former authority shall on the day on which they receive”.

1972 c. 21.

The Deposit of Poisonous Waste Act 1972

49. In section 5(1) of the Deposit of Poisonous Waste Act 1972, for paragraph (a) there shall be substituted the following paragraphs:—

‘(a) in England, county councils and the Greater London Council;

(aa) in Wales, district councils; and’.

Section 181.

SCHEDULE 15

AMENDMENT AND MODIFICATION OF ENACTMENTS RELATING TO
WATER AND SEWERAGE

The Public Health Act 1936

1936 c. 49.

1. In section 15(4) of the Public Health Act 1936 for the words “rural authority” there shall be substituted the words “district council”.

2. In section 126(4) of that Act the words from "or any five" to "rural district" and the words "or contributory place" in the second place where those words occur respectively shall cease to have effect. SCH. 15

The Water Act 1945

3. In paragraph 27 of Schedule 1 to the Water Act 1945 for the words "in each borough, urban district and rural parish" there shall be substituted the words "in each London borough, district and parish in England and each community in Wales." 1945 c. 42.

4. In paragraph 1 of Schedule 3 to that Act, the definition of "county district" and, in the definition of "local authority" the words "or rural", shall cease to have effect.

SCHEDULE 16

Section 182.

FUNCTIONS UNDER, AND AMENDMENT AND MODIFICATION OF,
ENACTMENTS RELATING TO TOWN AND COUNTRY PLANNING

PART I

TOWN AND COUNTRY PLANNING ACT 1971

1971 c. 78.

Structure and local plans

1.—(1) For section 11(1) and (2) there shall be substituted the following subsections—

"(1) Where a county planning authority are in course of preparing a structure plan for their area, or have prepared for their area a structure plan which has not been approved or rejected by the Secretary of State, the local planning authority to whom it falls to prepare a local plan for any part of that area may, if they think it desirable, prepare a local plan for all or any of that part of the area.

(2) Where a structure plan for the area of a county planning authority has been approved by the Secretary of State, the local planning authority to whom it falls to prepare a local plan for any part of that area shall as soon as practicable consider, and thereafter keep under review, the desirability of preparing and, if they consider it desirable and they have not already done so, shall prepare one or more local plans for all or any of that part of the area".

(2) In section 11(3)(a), after the words "such detail as the" there shall be inserted the words "local planning".

(3) In section 11, after subsection (9) there shall be inserted the following subsection:—

"(9A) For the purpose of discharging their functions under this section a district planning authority may, in so far as it appears to them necessary to do so having regard to the survey made by the county planning authority under section 6 of this Act, examine the matters mentioned in subsections (1) and (3) of that section so far as relevant to their area".

SCH. 16

2.—(1) For section 12(1)(a) there shall be substituted the following paragraph:—

“(a) that adequate publicity is given in the area in question to any relevant matter arising out of a survey carried out under section 6 or 11 of this Act and to the matters proposed to be included in the plan”.

(2) In section 12, after subsection (1), there shall be inserted the following subsection:—

“(1A) A county or district planning authority to whom it falls to prepare a local plan for any part of their area shall—

(a) consult the district planning authority or the county planning authority, as the case may be, with respect to the contents of the plan;

(b) afford the latter authority a reasonable opportunity to express their views;

(c) take those views into consideration.”

(3) For section 12(2) there shall be substituted the following subsection:—

“(2) When a local planning authority have prepared a local plan and the Secretary of State has approved the structure plan so far as it applies to the area of that local plan and, in a case where the local planning authority are required to obtain a certificate under section 14 of this Act, they have obtained that certificate, they shall before adopting the local plan or submitting it for approval under that section make copies of it available for inspection at their office and at such other places as may be prescribed and send a copy to the Secretary of State and to the district or county planning authority, as the case may require; and each copy made available for inspection shall be accompanied by a statement of the time within which objections to the local plan may be made to the local planning authority”.

3.—(1) In section 14(2), after the word “conforms”, there shall be inserted the words “and, in the case of a local plan prepared by a district planning authority, a certificate is issued under subsection (5) or (7) of this section that it conforms”.

(2) In section 14, at the end there shall be added the following subsections:—

“(5) Where a district planning authority have prepared a local plan for any part of their area the structure plan for which has been approved by the Secretary of State, they shall request the county planning authority to certify that the local plan conforms generally to the structure plan and, subject to subsection (6) below, the county planning authority shall, within the period of one month from their receipt of the request or such longer period as may be agreed between them and the district planning authority, consider the matter and, if satisfied that the local plan does so conform, issue a certificate to that effect; and if it appears to the county planning authority that the local plan does not so conform in any respect, they shall, during or as soon

as practicable after the end of that period, refer the question whether it so conforms in that respect to the Secretary of State to be determined by him.

(6) The Secretary of State may in any case by direction to a county planning authority reserve for his own determination the question whether a local plan conforms generally to a structure plan.

(7) Where on determining a question referred to or reserved for him under subsection (5) or (6) of this section the Secretary of State is of opinion that a local plan conforms generally to the relevant structure plan in the relevant respect or, as the case may be, all respects he may issue, or direct the county planning authority to issue, a certificate to that effect, and where he is of the contrary opinion, he may direct the district planning authority to revise the local plan in such respects as he thinks appropriate so as to secure that it will so conform and thereupon those subsections and the preceding provisions of this subsection shall apply to the revised plan".

4. In section 17(1)(a), after the words "that the" there shall be inserted the word "relevant".

5. In section 18(1)(d) after the words "notified the" there shall be inserted the word "relevant".

6. In Part I of Schedule 5 in its application outside Greater London for references to the local planning authority there shall be substituted references to the county planning authority.

7. The local planning authority who are to be treated by paragraph 4 of Schedule 7 as having adopted any street authorisation map mentioned in that paragraph shall be the county planning authority.

Joint plans

8.—(1) The following provisions of this paragraph shall have effect where two or more county planning authorities prepare a structure plan jointly.

(2) The county planning authorities shall take such steps as will in their opinion secure—

(a) that persons who may be expected to desire an opportunity of making representations to any of the authorities are made aware that they are entitled to an opportunity of doing so ;

(b) that such persons are given an adequate opportunity of making such representations.

(3) Section 8(1)(b) and (c) shall not apply in relation to a joint structure plan and references in section 8 to subsection (1) of that section and the purposes of paragraphs (a) to (c) thereof shall include references respectively to sub-paragraph (2) above and the purposes of paragraphs (a) and (b) thereof.

(4) Each of the county planning authorities by whom a joint structure plan has been prepared shall have the duty imposed by section 8(2) of making copies of the plan available for inspection.

SCH. 16

9.—(1) Where a structure plan has been prepared jointly, the power of making proposals under section 10(1) for the alteration, repeal or replacement of the plan may be exercised as respects their respective areas by any of the authorities by whom it was prepared and the Secretary of State may under that section direct any of them to submit such proposals as respects their respective areas.

(2) In relation to the joint submission of such proposals, the reference in section 10(2) to section 8 shall include a reference to paragraph 8 above.

10.—(1) The following provisions of this paragraph shall have effect where two or more local planning authorities prepare a local plan jointly.

(2) The local planning authorities shall take such steps as will in their opinion secure—

(a) that persons who may be expected to desire an opportunity of making representations to any of the authorities are made aware that they are entitled to an opportunity of doing so ; and

(b) that such persons are given an adequate opportunity of making such representations.

(3) Section 12(1)(b) and (c) shall not apply in relation to joint local plans and references in section 12 to subsection (1) of that section and the purposes of paragraphs (a) to (c) thereof shall include references respectively to sub-paragraph (2) above and the purposes of paragraphs (a) and (b) thereof.

(4) Each of the local planning authorities by whom a joint local plan has been prepared shall have the duty imposed by section 12(2) of making copies of the plan available for inspection, and objections to the plan may be made to any of those authorities and the statement required by section 12(2) to accompany copies of the plan made available for inspection shall state that objections may be so made.

11.—(1) It shall fall to each of the local planning authorities by whom a joint local plan was prepared to adopt the plan under section 14(1) and they may do so as respects any part of their area to which the plan relates, but any modifications subject to which it is adopted must be agreed between all those authorities.

(2) Where a structure plan has been jointly prepared by two or more county planning authorities or a local plan has been jointly prepared by two or more district planning authorities, a request for a certificate under section 14(5) that the local plan conforms generally to the structure plan shall be made by each district planning authority to the county planning authority for the area comprising the district planning authority's area and it shall fall to that county planning authority to deal with the request.

12.—(1) Where a local plan has been prepared jointly, the power of submitting proposals under section 15(1) for the alteration, repeal or replacement of the plan may be exercised as respects their

respective areas by any of the authorities by whom it was prepared and the Secretary of State may under that subsection direct any of them to submit such proposals as respects their respective areas.

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(2) In relation to the joint submission of such proposals the reference in section 15(3) (as it has effect outside Greater London) to section 12 shall include a reference to paragraph 10 above.

13. The date appointed under section 18(4) for the coming into operation of a local plan prepared jointly by two or more local planning authorities or for the alteration, repeal or replacement of a local plan in pursuance of proposals so prepared shall be one jointly agreed by those authorities and be specified in their respective resolutions adopting the plan.

14.—(1) Paragraph 10(3) and (4) above shall not, and the following provisions of this paragraph shall, apply in Greater London.

(2) Notwithstanding anything in paragraph 8(3) of Schedule 4, the Greater London Council may prepare a local plan for the whole or part of a G.L.C. action area (within the meaning of that paragraph) jointly with a London borough council or the Common Council.

(3) Sub-paragraph (1)(b) and (c) of paragraph 12 of that Schedule shall not apply in relation to joint local plans and the reference in sub-paragraph (3) of that paragraph to sub-paragraph (1) of that paragraph, and the reference in paragraph 14(2) to sub-paragraph (1)(a) to (c) of the said paragraph 12, shall both include a reference to paragraph 10(2) above.

(4) Where the Greater London Council is one of the local planning authorities by whom a joint local plan has been prepared, that Council shall not be required to take any steps under the said sub-paragraph (2) which can in their opinion be taken, and are taken, by any other local planning authority whose area comprises any part of the area to which the plan relates.

(5) Each of the local planning authorities by whom a joint local plan has been prepared for any part of Greater London shall have the duty imposed by sub-paragraph (2) of the said paragraph 12 of making copies of the plan available for inspection, and objections to the plan may be made to any of those authorities and the statement required by sub-paragraph (3) of that paragraph to accompany copies of the plan made available for inspection shall state that objections may be so made.

(6) In relation to the joint submission of proposals under section 15(1) for the alteration, repeal or replacement of a local plan the reference in section 15(3) (as it has effect in Greater London) to the said paragraph 12 shall include a reference to paragraph 10 above and the foregoing provisions of this paragraph.

Planning and special control

15.—(1) The functions of a local planning authority of determining—

(a) applications for planning permission under Part III ;

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(b) applications for determining under section 53 whether an application for such permission is required ;

(c) applications for an established use certificate under section 94 ;

shall, subject to sub-paragraph (2) below be exercised by the district planning authority.

(2) The functions of a local planning authority of determining any such application as aforesaid which appears to the district planning authority to relate to a county matter shall be exercised by the county planning authority unless the application relates to a county matter mentioned in paragraph 32(d) below and the district planning authority propose—

(a) to refuse planning permission ;

(b) to determine that an application for planning permission is required ; or

(c) to refuse an application for an established use certificate as respects the whole of the land to which the application relates.

(3) Every application mentioned in sub-paragraph (1) above shall be made to the district planning authority, and in the case of an application for planning permission that authority shall send a copy of the application as soon as may be after they have received it to the county planning authority and also to the local highway authority, if not a local planning authority, except in any case or class of case with respect to which the county planning authority or the local highway authority, as the case may be, otherwise direct.

(4) The foregoing provisions of this paragraph shall not apply to applications relating to land in a National Park, but paragraph 16 below shall apply to such applications instead.

1971 c. 78.

16.—(1) Each of the following applications under the Town and Country Planning Act 1971, that is to say—

(a) applications for planning permission ;

(b) applications for determining under section 53 whether an application for such permission is required ;

(c) applications for listed building consent under section 55 ;

(d) applications for consent to the display of advertisements under section 63 ; and

(e) applications for an established use certificate under section 94 ;

shall, if relating to land in a National Park, be made to the district planning authority who shall, unless it falls to be determined by them, send it on to the county planning authority and, in the case of an application for planning permission, shall send a copy to the local highway authority, except where the local highway authority are a local planning authority and except in any case or class of case with respect to which the local highway authority otherwise direct.

(2) Where any such application relating to land in a National Park or an application so relating for approval of a matter reserved under

an outline planning permission within the meaning of section 42 falls to be determined by a county planning authority, that authority shall before determining it consult with the district planning authority for the area in which the land to which the application relates is situated.

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17. The Secretary of State shall include in a development order under section 24 provision enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for the following descriptions of development relating to land in the area of the local highway authority, that is to say—

- (a) the formation, laying out or alteration of any means of access to a road classified under section 27 of the Local Government Act 1966 or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority ;
- (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.

18. The provisions which may be contained in any such order shall include provision—

- (a) requiring a county planning authority who are determining any application mentioned in paragraph 15 above and relating to a county matter, or an application for approval of a matter reserved under an outline planning permission within the meaning of section 42 and so relating, to afford the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application shall be determined, and to take into account any such recommendations ;
- (b) requiring a county or district planning authority who have received any application so mentioned or any application for such approval (including any such application relating to land in a National Park) to notify the district or county planning authority, as the case may be, of the terms of their decision, or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

19. Except in the case of any description of operations or use of land specified in an order made by the Secretary of State, the county planning authority for any area may give directions to the district planning authority for any part of that area as to how the district planning authority are to determine any application under the Town and Country Planning Act 1971 in any case where it appears to the

1971 c. 78.

SCH. 16 county planning authority that any proposals in the application would substantially and adversely affect their interests as local planning authority.

20.—(1) Where a district planning authority have been notified in writing by the council of a parish or community wholly or partly situated in the area of that authority that the council wish to be informed of every application for planning permission relating to land in the parish or community or of every application so relating for approval of a matter reserved under an outline planning permission within the meaning of section 42, or of any description of such applications, and receive any such application or, as the case may be, an application of any such description, they shall inform the council in writing of the application, indicating the nature of the development to which the application relates and identifying the land to which it relates.

(2) The provisions which may be contained in a development order under section 24 shall include provision requiring—

- (a) a local planning authority, who are determining any application of which the council of a parish or community are entitled to be informed, to afford that council an opportunity to make representations to the local planning authority as to the manner in which the application should be determined and to take into account any such representations ;
- (b) the district planning authority to notify that council of the terms of their or the county planning authority's decision on any such application or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.

21.—(1) In section 28(2) (publicity for applications affecting conservation areas), for the words "The local planning authority" there shall be substituted the words "In Greater London the local planning authority, in a National Park the county planning authority and elsewhere the district planning authority".

(2) Where it is the duty of the district planning authority to take the steps required by section 28(2) in relation to an application which falls to be determined by the county planning authority, the district planning authority shall as soon as may be after taking those steps notify the county planning authority of the steps which they have taken and the date on which they took them.

22. In section 3(1) (directions as to method of dealing with applications for planning permission), for paragraph (c) there shall be substituted the following paragraph—

- "(c) for requiring that, before planning permission for any development is granted or refused, local planning authorities prescribed by the order or by directions given by the Secretary of State thereunder shall consult with such authorities or persons as may be so prescribed".

23. Elsewhere than in a National Park the functions of a local planning authority under section 44 (completion notices)

shall be exercisable by the district planning authority, except that where the relevant planning permission was granted by the county planning authority, those functions, so far as relating to that permission, shall be exercisable by the county planning authority and also by the district planning authority after consulting the county planning authority.

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24.—(1) The functions of a local planning authority of—

- (a) making orders under section 45 revoking or modifying planning permission, or under section 51 requiring discontinuance of use, or imposing conditions on continuance of use, or requiring the alteration or removal of buildings or works, or
- (b) serving enforcement notices under section 87 or stop notices under section 90,

shall, subject to sub-paragraph (2) below, be exercisable by the district planning authority.

(2) In a case where it appears to the district planning authority that the functions mentioned in sub-paragraph (1) above relate to county matters they shall not exercise those functions without first consulting the county planning authority.

(3) Those functions shall also be exercisable by a county planning authority in a case where it appears to that authority that they relate to a matter which should properly be considered a county matter.

25.—(1) Subject to sub-paragraph (2) below, the functions of a local planning authority under sections 34 (registers of applications and decisions), sections 55, 56, 96, 99 and Schedule 11 (listed buildings) and sections 63 and 109 (control of advertisements) shall be exercised by the district planning authority.

(2) The power of defining areas of special control for the purposes of regulations under section 63 by orders approved by the Secretary of State under section 63(4) shall be exercisable both by county planning authorities and by district planning authorities.

26.—(1) Sections 48 and 49 (planning inquiry commissions) shall be amended in accordance with sub-paragraphs (2) and (3) below.

(2) The copy of the notice required to be served by section 49(2) on a local planning authority shall, in the case of a proposal that a government department should give a direction under section 40 or that development should be carried out by or on behalf of a government department, be served on the local planning authority who, in the opinion of the Secretary of State, would have been responsible for dealing with an application for planning permission for the development in question if such an application had fallen to be made.

(3) References in sections 48(6)(b) and 49(3) to the local planning authority shall be construed as references to the local planning authority on whom the said copy is required to be served.

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27. Where a county planning authority or district planning authority have made a tree preservation order under section 60 or the Secretary of State has made such an order by virtue of section 276 (default powers), the power of varying and revoking the order and the powers of dispensing with section 62, or serving, or appearing on an appeal relating to, a notice under section 103 (enforcement of duties as to replacement of trees) shall be exercisable only by the authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

28.—(1) In section 54(4) (lists of buildings of special architectural or historic interest), for all the words after “deposited with” there shall be substituted the words “the proper officer of the borough or district council and, outside Greater London, with the proper officer of the county planning authority whose area or any part of whose area includes the district, or any part of it, and where the district council are not the district planning authority, the proper officer of that authority”.

(2) In section 54(11) for the words after “consult with” there shall be substituted the words—

- “(a) in Greater London, the local planning authority ;
- (b) in a National Park, the county planning authority ;
- (c) elsewhere the district planning authority ; and
- (d) in any case the owner and the occupier of the building.”

29. In sections 91(1) and 93(4)(b) (enforcement notices) and section 108(2) (enforcement of orders under s. 51 requiring discontinuance of use, etc.) any reference to the local planning authority shall be construed as a reference to the authority who served the notice or made the order in question or, in the case of a notice served or an order made by the Secretary of State, the authority named in the notice or order.

30. The local planning authority who may appeal to the Crown Court under section 106 (further appeals in connection with notice as to waste land) shall be the authority who served the notice in question under section 65 or, if the notice was served by the Secretary of State, the authority named in the notice.

31. The powers of local authorities under sections 114, 115 and 126 (compulsory acquisition and management of listed buildings) and 119 (acquisition of land by agreement) shall be exercisable by joint planning boards as well as by the local authorities mentioned in those sections.

32. In the foregoing provisions of this Schedule “county matter” means in relation to any application, order or notice—

- (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery—
 - (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working ; or

- (ii) which a person engaged in mining operations proposes to use in connection with the grading, washing, grinding or crushing of minerals ;
- (b) the carrying out of searches and tests of mineral deposits or the erection of any building, plant or machinery which it is proposed to use in connection therewith ;
- (c) the disposal of mineral waste ;
- (d) the carrying out of operations or a use of land which, in either case—
- (i) would conflict with, or prejudice the implementation of, fundamental provisions of the structure plan for the area in question or fundamental proposals for such a plan or for alterations to such a plan to which publicity has been given in pursuance of section 8 ;
- (ii) would conflict with, or prejudice the implementation of, fundamental provisions of a development plan approved under Part I of Schedule 5, or any enactments replaced by that Part, so far as in force in the area in question or with proposals submitted to the Secretary of State for alterations or additions to such a plan ;
- (iii) would be inconsistent in any respect with the provisions of a local plan for the area in question prepared by the county planning authority or proposals for such a plan or for alterations to such a plan to which publicity has been given in pursuance of section 12 ; or
- (iv) would be inconsistent in any respect with any statement of planning policy adopted by the county planning authority or with any proposals of theirs for development which in either case have been notified by them to the district planning authority ;
- (e) the carrying out of operations in, on, over or under land, or any use of land, which is situated partly in and partly outside a National Park ;
- (f) the carrying out of any operation which is, as respects the area in question, a prescribed operation or an operation of a prescribed class or any use which is, as respects that area, a prescribed use or use of a prescribed class.

33. In section 134(4) (interpretation of Part VII), for the words after "interest therein" there shall be substituted the words "and 'local planning authority', in relation to a planning decision, means the authority who made the decision".

Compensation

34.—(1) Claims for payment of compensation under the following provisions, that is to say, section 164 (compensation where planning permission is revoked or modified), including that section as applied by section 165, and sections 169, 170, 171, 172, 173, 176 and 177 (compensation in connection with other restrictions) shall, subject to sub-paragraph (3) below, be made to and paid by the local planning authority who took the action by virtue of which

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the claim arose or, where that action was taken by the Secretary of State, the local planning authority from whom the appeal was made to him or who referred the matter to him, or, in the case of an order made or notice served by him by virtue of section 276 (default powers) the appropriate authority, and references in those sections to a local planning authority shall be construed accordingly.

(2) In this paragraph "appropriate authority" means—

- (a) in the case of a claim for compensation under section 164, 165 or 172, the local planning authority who granted, or are to be treated for the purposes of section 164 as having granted, the planning permission or listed building consent the revocation or modification of which gave rise to the claim ;
- (b) in the case of a claim for compensation under section 173 or 176, the district planning authority ;
- (c) in the case of a claim for compensation under section 170 or 177, the local planning authority named in the relevant order or stop notice of the Secretary of State.

(3) The Secretary of State may after consultation with all the authorities concerned direct that where a local planning authority is liable to pay compensation under any of the provisions mentioned in sub-paragraph (1) above in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.

35. Claims for payment of compensation under a tree preservation order by virtue of section 174, and claims for payment of compensation under section 175 by virtue of directions given in pursuance of such an order, shall be made to and paid by the local planning authority who made the order or, in the case of an order made by the Secretary of State, the authority named in the order.

36. The local planning authority by whom compensation is to be paid under section 237(1)(a) to statutory undertakers shall be the authority who referred the application for planning permission to the Secretary of State and the appropriate Minister, or from whose decision the appeal was made to them or who served the enforcement notice appealed against, as the case may be.

Purchase notices

37. The duty of the Secretary of State to give a notice under section 182(2)(c) (procedure on purchase notices) to the local planning authority shall be a duty to give it—

- (a) to the county planning authority and also, where that authority is a joint planning board, to the county council ; and
- (b) to the district council on whom the purchase notice in question was served and also, where that council is a constituent member of a joint planning board, to that board.

38. The local planning authority by whom compensation is to be paid and on whom a claim for compensation is to be served under

section 187(2) (compensation where purchase notice served) shall be the district planning authority.

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Stopping up and diversion of highways

39. In section 209 (stopping up and diversion of highways), in subsection (2)(b), for the words from "any local" to "order" there shall be substituted the words "any county council or London borough council specified in the order or, if it is so specified, the Greater London Council or the Common Council of the City of London".

40. The following subsection shall be substituted for section 210(4) (stopping up and diversion of footpaths and bridleways):—

"(4) In this section 'competent authority' means, in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it and in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made".

Conversion of highway into footpath or bridleway

41.—(1) Section 212 (changing highways for vehicles into footpaths or bridleways) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (2) for the words from "made" to "different" there shall be substituted the words "by a local planning authority who have so resolved made after consultation with the highway authority (if different) and any other authority who are a local planning authority for the area in question".

(3) In subsection (3) after "consultation with" there shall be inserted the words "every authority who are a local planning authority for the area in question and".

(4) In subsections (5) and (6) after the words "local planning authority" there shall be inserted the words "on whose application the order was made".

(5) In subsection (8) for the words from "made" to "different" there shall be substituted the words "by any authority who are a local planning authority for the area in question made after consultation with the highway authority (if different) and any other authority who are a local planning authority for that area".

42. In section 213(5) (requirement for competent authority to obtain consent from certain other authorities before carrying out and maintaining amenity works on highways reserved to pedestrians) for the words from "have" to the end of the subsection there shall be substituted the words "consulted the highway authority (if different) and any authority (other than themselves) who are a local planning authority for the area in question".

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Miscellaneous

43. In section 1 (local planning authorities)—

- (a) in subsection (4)(b) for the words “county borough”, in both places where they occur, there shall be substituted the word “district” and for the words “that district” there shall be substituted the words “the united district”, and
- (b) in subsection (6) for the words from “section 8” onwards there shall be substituted the words “Part I of Schedule 17 to the Local Government Act 1972”.

44. Section 3 (delegation of functions to district councils) shall cease to have effect.

45. In section 192(1) (scope of blight provisions), the reference in paragraph (f) to the local planning authority shall be construed, in relation to land in a National Park, as a reference to the county planning authority and, in relation to land elsewhere, as a reference to the district planning authority.

46. In section 245(7) (proceedings for questioning the validity of certain orders, etc.) for the words from “and any reference” onwards there shall be substituted the words “and any reference to the authority directly concerned with any order or action to which this section applies—

- (a) in relation to any such decision as is mentioned in section 242(3)(i) or (j) of this Act, is a reference to the council on whom the notice in question was served and, in a case where the Secretary of State has modified such a notice wholly or in part by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or statutory undertakers ;
- (b) in any other case in Greater London, is a reference to the local planning authority ; and
- (c) in any other case outside Greater London, is a reference to the local planning authority who made the order in question or made the decision or served the notice to which the proceedings in question relate, or who referred the matter to the Secretary of State, or, where the order or notice in question was made or served by him, the authority named in the order or notice.”.

47.—(1) The local planning authority to whom the Secretary of State may give directions under section 276(1) (default powers) and whom he is required to consult under that subsection or serve with a notice of his proposals under section 276(4) shall be the county planning authority or the district planning authority, as he thinks appropriate, and references in those subsections to the local planning authority shall be construed accordingly.

(2) In section 276(5) any reference to the local planning authority shall be construed—

- (a) in relation to a listed building enforcement notice, as a reference to the district planning authority ; and

(b) in any other case, as a reference to the county planning authority or the district planning authority, as the Secretary of State thinks appropriate.

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48. The duty imposed by section 277 on local planning authorities of determining which areas shall be conservation areas and of designating them shall be the duty of district planning authorities but county planning authorities, shall have the power to make determinations under that section and to designate such areas, and—

(a) references in that section to a local planning authority shall be construed accordingly ; and

(b) in subsection (3) of that section for the words from “and a local” to the end there shall be substituted the words “a district planning authority outside Greater London shall consult with the council or councils of the county or counties in which the area of the authority is comprised and a county planning authority shall before making any such determination consult with the council or councils of the district or districts of which any part is included in the area to which the proposed determination relates.”

49. In Schedule 1, for the words “Schedule 2 to this Act” there shall be substituted the words “sections 102 and 103 of the Local Government Act 1972”.

50. In paragraph 7 of Schedule 4, as set out in Schedule 1 to the Town and Country Planning (Amendment) Act 1972, for the words “11 and 12” there shall be substituted the words “10C, 11, 12 and 14(5) to (7)”. 1972 c. 42.

51.—(1) The validity of any permission, determination or certificate granted, made or issued or purporting to have been granted, made or issued by a local planning authority in respect of an application mentioned in paragraph 15 or 16 above shall not be called in question in any legal proceedings, or in any proceedings under the Town and Country Planning Act 1971 which are not legal proceedings, on the ground that the permission, determination or certificate should have been granted, made or given by some other local planning authority. 1971 c. 78.

(2) The validity of any order or notice mentioned in paragraph 24 above and purporting to have been made or served by a local planning authority shall not be called in question in any such proceedings on the ground—

(a) in the case of an order or notice purporting to have been made or served by a district planning authority, that they failed to comply with paragraph 24(2) above ;

(b) in the case of an order or notice purporting to have been made or served by a county planning authority, that they had no power to make or serve it because it did not relate to a county matter.

52. The foregoing provisions of this Schedule, except paragraphs 10 to 14, 21, 22, 28, 33, 39, 40, 43, 46, 50 and 51, shall not apply to Greater London.

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1971 c. 78.

53. In this Part of this Schedule a reference made to any enactment without specifying the Act in which it is contained shall be construed as a reference to a provision of the Town and Country Planning Act 1971.

PART II

OTHER ENACTMENTS

The Building Restrictions (War-time Contraventions) Act 1946

1946 c. 35. 54.—(1) Elsewhere than in Greater London or a National Park the functions conferred by section 2 of the Building Restrictions (War-time Contraventions) Act 1946 (power to sanction war-time non-compliance with building laws or planning control) on the authority responsible for enforcing planning control shall, subject to subparagraph (3) below—

- (a) in the case of works on, or a use of, land which in the opinion of the district planning authority relates to a county matter as defined by paragraph 32 of this Schedule, be exercised by the county planning authority;
- (b) in any other case, be exercised by the district planning authority.

(2) In a National Park the said functions shall be exercised by the county planning authority.

(3) Every application made under section 2(1) of the said Act of 1946 to an authority responsible for enforcing planning control shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.

(4) A county planning authority determining any such application shall afford the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application should be determined and shall take any such recommendations into account.

(5) A county or district planning authority who have dealt with any such application shall notify the district or county planning authority, as the case may be, of the terms of their determination or, in a case where the application has been referred to the Secretary of State, the date when it was so referred.

(6) The validity of any determination made by a local planning authority under section 2 of the said Act of 1946 shall not be called in question in any legal proceedings, or in any proceedings under that section which are not legal proceedings, on the ground that the determination should have been made by some other local planning authority.

The Land Compensation Act 1961

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55.—(1) Elsewhere than in Greater London or a National Park the functions of a local planning authority of determining applications and issuing certificates under section 17 of the Land Compensation Act 1961 shall— 1961 c. 33.

(a) in the case of an application specifying only a class of development which appears, or classes of development each of which appear, to the district planning authority to relate to a county matter, be exercised by the county planning authority ;

(b) in any other case, be exercised by the district planning authority.

(2) In a National Park the said functions shall be exercised by the county planning authority.

(3) Every application mentioned in sub-paragraph (1) above shall be made to the district planning authority who, in the case of an application falling to be determined by the county planning authority, shall send it on to the latter.

(4) A county planning authority determining any such application shall consult with the district planning authority on the question whether planning permission for development of any class which appears to the former not to relate to a county matter might reasonably have been expected to be granted.

(5) A district planning authority determining any such application shall consult with the county planning authority on the question whether planning permission for development of any class which appears to the former to relate to a county matter might reasonably have been expected to be granted.

(6) A county planning authority by whom a certificate is issued under section 17 of the Land Compensation Act 1961 shall notify the district planning authority of the terms of the certificate and the district planning authority by whom a certificate is so issued shall, if it specifies development relating to a county matter, notify the county planning authority of the terms of the certificate. 1961 c. 33.

(7) In this paragraph “county matter” has the meaning ascribed to it by paragraph 32 of this Schedule.

The New Towns Act 1965

56.—(1) At the end of section 6 of the New Towns Act 1965 there shall be inserted the following subsection— 1965 c. 59.

“(6) References in this section to the local planning authority shall be construed as references to the district planning authority and also, in relation to proposals for any development which is a county matter, as defined in paragraph 32 of Schedule 16 to the Local Government Act 1972, as references to the county planning authority.”

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(2) In section 23(2)(i) of that Act for the words "local planning authority" there shall be substituted the words "district planning authority".

(3) In section 53(5)(b) of that Act, for the words "local planning authority" there shall be substituted the words "county planning authority".

The Town and Country Planning (Amendment) Act 1972

1972 c. 42.

57. Elsewhere than in Greater London or a National Park the functions of a local planning authority under section 8 of the Town and Country Planning (Amendment) Act 1972 (control of demolition of unlisted buildings in conservation areas) shall be exercisable both by the county planning authority and by the district planning authority and in a National Park those functions shall be exercised by the county planning authority.

PART III

ARRANGEMENTS FOR OBTAINING ADVICE

58. The Secretary of State may from time to time direct a district planning authority to submit to him for his approval within a period specified in the direction the arrangements which the authority propose to make to obtain specialist advice in connection with their functions—

1971 c. 78.

(a) under section 55, 56, 58, 96 or 99 of, or Schedule 11 to, the Town and Country Planning Act 1971 ;

(b) under section 277 of that Act ; or

1972 c. 42.

(c) under section 8 of the Town and Country Planning (Amendment) Act 1972.

59. If the Secretary of State is not satisfied about any arrangements mentioned in paragraph 58 above, he may after consultation with the district planning authority and the other authority concerned—

(a) direct the district planning authority and another local planning authority specified in the direction to enter into an agreement under section 113 above for the placing at the disposal of the former, for the purpose of giving them any such specialist advice as is mentioned in that paragraph, of the services of officers employed by the latter who are qualified to give such advice ; or

(b) direct the district planning authority and another local planning authority so specified to enter into arrangements for the discharge by the latter of any of the functions mentioned in that paragraph and also direct that the arrangements shall contain terms so specified or terms on lines laid down by him.

SCHEDULE 17

Section 184.

FUNCTIONS WITH RESPECT TO NATIONAL PARKS AND
THE COUNTRYSIDE

PART I

DISCHARGE OF PLANNING AND COUNTRYSIDE FUNCTIONS IN
NATIONAL PARKS*Planning Boards and National Park Committees*

1. If immediately before the 1st April 1974 there is an existing joint planning board constituted by an order under section 1 of the Town and Country Planning Act 1971 for a National Park 1971 c. 78. comprised in two or more existing counties and as from that date the Park will be comprised in two or more new counties, the Secretary of State shall make an order reconstituting the existing board for discharging the functions to which this Part of this Schedule applies and Schedule 1 to that Act shall apply to a joint board so reconstituted and the order reconstituting it as it applies to a joint board constituted under that section and the order constituting it and shall so apply as if the area of the Park were a united district.
2. An order under the said section 1 constituting a new joint board for a united district consisting of the whole or part of a National Park and comprised in two or more new counties may confer on the board, in addition to the functions of a county planning authority under the Town and Country Planning Act 1971, any other functions to which this Part of this Schedule applies.
3. If immediately before 1st April 1974 there is an existing joint planning board for a National Park comprised in two or more existing counties and on that date the Park will be wholly comprised in one new county, the Secretary of State shall by order reconstitute that board as a special planning board to discharge the functions to which this Part of this Schedule applies as respects the area of the Park, and any enactment relating to joint boards constituted by an order under section 1 of the Town and Country Planning Act 1971 shall apply to a special planning board reconstituted under this Part of this Schedule and to the order reconstituting it as it applies to a joint planning board constituted under that section and to the order constituting it and shall so apply as if the area of the Park were a united district, but with the substitution of references to the council of a new county for any references to the constituent authorities.
4. The Secretary of State may by an order under paragraph 1 or 3 above, or by an order under the said section 1 relating to a united district consisting of the whole or part of a National Park, or by an order under this paragraph, confer on a joint or special planning board for a National Park or any part of a National Park any of the additional countryside functions as respects the Park or, as the case may be, any part of it.
5. For every National Park for which there is no joint planning board or special planning board the council or councils of the county or counties in which the Park is comprised shall make arrangements.

SCH. 17 for the discharge of the following functions of theirs as respects the Park by a separate committee to be known as a National Park Committee, that is to say—

- (a) their functions to which this Part of this Schedule applies except those mentioned in paragraph 6 below ; and
- (b) their functions as local authority under the 1949 Act and the 1968 Act.

6. The functions of a council or councils excepted from the requirement imposed by paragraph 5 above are—

1971 c. 78.

- (a) their functions under Part II of the Town and Country Planning Act 1971 ;
- (b) their functions under Part III and, so far as relating to planning control under Part III, Part V of that Act with respect to the carrying out of any such operations or any such use of land as are described in paragraphs (i) to (iii) of paragraph 32(d) of Schedule 16 to this Act ; and
- (c) their functions under Part III and, so far as relating to planning control under Part III, Part V of that Act with respect to the carrying out of any operations in, on, over or under land, or any use of land, partly situated in the National Park and partly in some other area, where those functions so far as relating to any such operations or use are exercisable by the local planning authority for that other area.

7. The validity of anything done or purporting to have been done by a National Park Committee in pursuance of arrangements made by virtue of paragraph 5 above shall not be called in question in any legal proceedings, or in any proceedings under the Town and Country Planning Act 1971 which are not legal proceedings, on the ground that it ought to have been done by the authority or one of the authorities by whom the arrangements were made.

8. The National Park Committee for a Park comprised in two or more new counties shall be appointed by the council of such of those counties as may be agreed between the councils of those counties or, in default of agreement, jointly by both or all those councils, and, where it is appointed by one of those councils, the expenses incurred by the Committee shall be defrayed by both or all those councils in such proportions as they may agree or as in default of agreement may be determined by the Secretary of State.

9. A National Park Committee may arrange with a district planning authority whose area comprises any part of the Park for the authority to discharge as respects a part of the Park within their area such of the functions exercisable by the Committee by virtue of paragraph 5 above as may be agreed between the Committee and the Countryside Commission or as in default of agreement may be determined by the Secretary of State.

10. Where a joint planning board, special planning board or National Park Committee is required to be established by being reconstituted or appointed under this Part of this Schedule for any area being or comprised in a National Park, the requirement shall

be deemed to be complied with in any case approved by the Secretary of State after consultation with the Countryside Commission if the board or Committee is established for that area together with other land.

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11. Not less than one third of the members of a joint planning board, special planning board or National Park Committee established for an area being or comprising the whole or any part of a National Park shall be persons appointed by the Secretary of State after consultation with the Countryside Commission:

Provided that if in any particular case the Secretary of State, with the agreement of the Commission, so determines, this paragraph shall have effect as if for the words "one third" there were substituted the words "one quarter".

12. The persons appointed in pursuance of paragraph 11 above shall hold office for such period not being less than one year nor more than three years as the Secretary of State may, after consultation with the Countryside Commission, determine and shall be eligible for reappointment.

13. Section 101 above shall, in its application to the discharge as respects a National Park of any functions to which this Part of this Schedule applies and any additional countryside functions, have effect subject to the following modifications:—

- (a) a local planning authority shall not make arrangements for the discharge of any such functions as respects a National Park or land in a National Park by some other local authority without consulting the Countryside Commission;
- (b) section 101 shall not authorise a county council to make arrangements for the discharge of any functions which by virtue of paragraph 5 above are required to be discharged by a National Park Committee except in accordance with that paragraph;
- (c) section 101(4) shall not apply in relation to arrangements made by the county council by virtue of paragraph 5 for the discharge of any functions by a National Park Committee;

14. In the case of a National Park Committee for a National Park wholly comprised in one county the members of the Committee shall (subject to paragraph 11 above) be appointed by, and the majority of those members shall be members of, the council of the county, and in the case of a National Park Committee for a National Park comprised in two or more counties the members of the Committee shall (subject as aforesaid) be appointed by such of the councils of those counties as may be agreed between those councils or as in default of agreement may be determined by the Secretary of State and a majority of the members of the Committee shall be members of those councils, and—

- (a) so much of section 102(3) above as regulates the proportion of members of a committee shall not apply to a National Park Committee; and

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- (b) section 102(5) shall apply to a member of a National Park Committee appointed under this paragraph as being a member of a county council as it applies in relation to a member of a committee appointed under that section who was at the time of his appointment a member of the appointing authority or one of the appointing authorities.

National Park Officer

1971 c. 78.

15. Every joint planning board, special planning board or National Park Committee established for a National Park shall after consultation with the Countryside Commission appoint an officer, to be known as a National Park Officer, for the purposes of the functions exercisable by them as respects the Park by virtue of section 1 of the Town and Country Planning Act 1971 or this Part of this Schedule.

16. A National Park Officer appointed by a National Park Committee shall be an officer of the county council by whom the Committee was established or, if it was established by two or more such councils, such one of them as they may agree or as, in default of agreement, may be determined by the Secretary of State.

17. A National Park Officer appointed by a joint board or special planning board or a National Park Committee shall not be employed for any purpose other than one mentioned in paragraph 15 above, except after consultation between the authority by whom he is employed and the Countryside Commission and, in the case of a National Park Officer appointed by a National Park Committee, except with the Committee's consent.

National Parks Plans

18. Every joint planning board, special planning board or National Park Committee established for a National Park shall—

- (a) within three years of 1st April 1974 or of being established, whichever is the later, prepare and publish a plan to be known as a National Park Plan formulating their policy for the management of the Park and for the exercise of the functions exercisable by them as respects the Park ; and
- (b) review at intervals of not more than five years a National Park Plan published under this paragraph, making any amendments to it which they consider expedient, and publish a report on their review and any such amendments.

19. Every such board or committee established for a National Park shall in preparing or reviewing a National Park Plan send a copy of the proposed plan or review to the Countryside Commission and to any district planning authority whose area is wholly or partly comprised in the Park and take into consideration any observations of the Commission or any such authority thereon and shall send the Secretary of State a copy of a National Park Plan published under paragraph 18 above and of the report on any review or amendments so published.

Interpretation

1971 c. 78.

20. The functions to which this Part of this Schedule applies are all functions of a county council or district council as local planning authority under the 1949 Act, the 1968 Act and the Town

and Country Planning Act 1971 and any enactment amending any of those Acts.

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21. In this Part of this Schedule "additional countryside functions" means functions other than those mentioned in paragraph 20 above, which, in the opinion of the council or councils concerned, or where the functions are ones which may be conferred by an order or determination of a Minister, of that Minister, relate to the countryside and are appropriate for reference to a board or committee concerned with matters relating to the countryside.

PART II

SURVEY OF PUBLIC PATHS, ETC.

22. The county council shall be the surveying authority for the purposes of the following provisions (being provisions relating to the ascertainment of footpaths, bridleways and certain other highways), that is to say, sections 27 to 38 of the 1949 Act and Parts II to IV of Schedule 3 to the 1968 Act for any area in England and Wales, elsewhere than Greater London and the Isles of Scilly, and shall have the functions of a county borough council under section 35 of the 1949 Act in any such area and accordingly for references in that section, in its application to any such area, to a county borough and its council there shall be substituted references to a county and its council.

23. A new county council shall, except as provided by this Part of this Schedule, continue to carry out as respects their area or any part of it any survey, review, further review or special review under the provisions mentioned in paragraph 22 above which has been begun as respects that area or part, or any other area including that area or part, by an existing county council or county borough council and those provisions shall apply to the survey, review, further review or special review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

24. Where on any such survey of any area under section 27 of the 1949 Act a draft map and statement has, but a provisional map and statement has not, been published before 1st April 1974, the county council may if they think fit take no further steps in relation to the draft map and statement and instead prepare a new draft map and statement for that area under that section and that section and sections 28 and 29 of that Act (survey information, and representations and objections) shall apply to the new review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

25. Where on any such review of any area under any of the provisions mentioned in paragraph 22 above no revised draft map and statement has been published before 1st April 1974, the review shall be abandoned and the county council shall begin a new review of that area or so much of it as lies within the county after that date under those provisions, and those provisions shall apply to the review subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

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26. Where a revised map and statement has been published in draft before that date under any of those provisions, but a revised map or statement has not been published in provisional or, as the case may be, definitive form, before 1st April 1974, the county council may if they think fit take no further steps in relation to the draft revised map and statement and instead prepare and publish a new revised map and statement in that form for that area under those provisions, and those provisions shall apply to the new review, subject to such exceptions and modifications as the Secretary of State may in any particular case direct.

27. Any area to which sections 27 to 34 of the 1949 Act (the survey provisions) do not apply immediately before 1st April 1974 by virtue of the fact that it is or forms part of an existing county borough shall on and after that date continue to be excluded from the operation of those sections except so far as they are adopted under section 35(2) of that Act as respects the whole or part of that area.

28. In section 35(4) of that Act, after "thereto" there shall be inserted the words "and may by a subsequent resolution revoke or amend a previous resolution under this subsection".

29. Where in consequence of any survey, review, further review or special review begun under any of the provisions mentioned in paragraph 22 above two or more definitive maps and statements are prepared whether before or after 1st April 1974 for different parts of a new county, the county council shall not take any further steps under those provisions in relation to those maps and statements until all such maps and statements have been prepared for the whole of their area (less any part of it excluded by paragraph 27 above).

30. Where all such maps and statements have been prepared for the whole of that area, the county council shall at one and the same time review the particulars contained in each of those maps and statements; and accordingly section 33 of the 1949 Act and Parts II to IV of Schedule 3 to the 1968 Act (periodical revision of maps and statements) shall apply as if the relevant date for the purposes of each of those maps and statements were the earliest of the relevant dates specified therein or such later date as, on the application of the county council, the Secretary of State may in any particular case direct.

31. Where the Secretary of State gives a direction under this Part of this Schedule, he shall take such steps as he thinks appropriate for bringing it to the notice of persons who may be affected by it.

32. Section 28(3) of the 1949 Act shall not apply to Wales and in that subsection the word "rural" shall be omitted and for the words "representative body of the parish or a member of that body" there shall be substituted the words "chairman of the parish meeting or any person representing the parish on the district council".

33. In this Part of this Schedule any reference to a definitive map and statement includes a reference to a revised map and statement prepared in definitive form.

PART III

SCH. 17

MISCELLANEOUS MODIFICATIONS OF 1949 AND 1968 ACTS

Establishment of nature reserves by local authorities

34. The powers conferred on a county council by sections 21 and 99(6) of the 1949 Act (nature reserves) shall also be exercisable as respects any district by the district council and references in those sections and section 22 of that Act to a local authority shall be construed accordingly.

Access to open country

35. Any area to which section 61(1) and (2) of the 1949 Act (survey of access requirements) do not apply immediately before 1st April 1974 by virtue of section 61(3) of that Act shall on and after that date continue to be excluded from the operation of the said subsections (1) and (2) until they are adopted or applied to the area under the said subsection (3), and references in the said subsection (3) to a county borough and its council shall be respectively construed as references to any such area and the county council.

36. Any county planning authority may require any other local planning authority having functions under Part V of the 1949 Act within the area of the county planning authority to give the county planning authority such information as may facilitate the discharge of the latter's functions under section 62(2) or 63(1) of that Act (securing access) or section 78(1) of that Act (maps of land subject to public access).

37. The functions of a local planning authority under section 67, 68, 81 or 82 of the 1949 Act or section 20 of the 1968 Act (supplementary provisions as to access to land) in relation to land which is the subject of an access agreement or order under Part V of the 1949 Act, and the functions of such an authority under section 70 of the 1949 Act in relation to such land and any land held therewith, shall be functions of the authority by whom the agreement or order was made or, where such an order was made by a Minister of the Crown, of the county planning authority, and in those sections, in their application to such land, references to a local planning authority shall be construed accordingly.

Miscellaneous

38. Section 89(2A) of the 1949 Act (treatment of derelict land) shall cease to have effect.

39. Section 90(2) of the 1949 Act (byelaws) shall cease to have effect and in section 90(4) of that Act for the reference to a local authority there shall be substituted a reference to the local planning authority.

40. In section 111 of the 1949 Act (Isles of Scilly) references to that Act shall include references to section 184 above and this Schedule.

41. In paragraph 1(3)(a) and 2(5) of Schedule 1 to the 1949 Act (procedure on orders designating National Parks) for references to the local planning authority there shall be substituted references to the county planning authority.

Section 185.

SCHEDULE 18

1952 c. 54.

AMENDMENTS OF TOWN DEVELOPMENT ACT 1952

1. In section 2, subsections (1)(b) and (4) shall be omitted.
2. In section 4, in subsection (1) for the words "county borough of county district" there shall be substituted the words "county or district or the Greater London Council".
3. In section 7, for paragraphs (a) to (c) there shall be substituted the following paragraphs:—
 - (a) the council of a district which is not a receiving district;
 - (b) the Greater London Council;
 - (c) the council of a county, or";
 and in paragraph (d) after the words "1945" there shall be inserted the words "under section 181 of the Local Government Act 1972".
4. In section 8(1), the words in paragraph (b) "of a county borough or county district" shall be omitted and in paragraph (c) for the words "county borough", in each place where they occur, there shall be substituted the word "district".
5. In section 10(3), for the words "county borough or county district" there shall be substituted the words "county or district or the Greater London Council".
6. In section 11, for the words from "of the county" to "it is carried out" there shall be substituted the words "of a county" and for the words "by the council of a county borough" there shall be substituted the words "other district council".

Section 186.

SCHEDULE 19

AMENDMENTS OF ENACTMENTS RELATING TO ROAD TRAFFIC
AND ABANDONED VEHICLES

PART I

1972 c. 20.

THE ROAD TRAFFIC ACT 1972

1. In section 31(7), for the words "county borough or county district" there shall be substituted the word "county".
2. In section 33(4), for the words "of a borough or of an urban district" there shall be substituted the words "or of a London borough".
3. In section 35(5), in paragraph (a) for the words from "county borough" in the first place where they occur to the end of the paragraph there shall be substituted the words "London borough", and the words "and in this subsection 'county borough' includes a London borough" shall be omitted.
4. In section 38, subsection (3) shall be omitted and in subsection (5)(a) for the words "a borough or an urban district" there shall be substituted the words "or London borough".
5. In section 43(3) for the words "of a borough, of an urban district" there shall be substituted the words "of a district or London borough".

6. In section 196(1) in the definition of "highway authority", the words "the council of a county borough, the council of a non-county borough or an urban district" shall be omitted. SCH. 19

PART II

THE ROAD TRAFFIC REGULATION ACT 1967 1967 c. 76.

7. In section 1(2)(a), the words from "the council of a county borough" to "any other area" shall be omitted.

8.—(1) In section 5, in subsection (1), for the words "borough or urban district" there shall be substituted the word "county".

(2) Subsection (4) of that section shall be omitted.

9. In section 15(8)(a) the words from "a county borough" to "as regards", in the second place where those words occur, and the word "other" shall be omitted.

10.—(1) In section 20, as set out in Schedule 1 to the Removal S.I. 1967/1900. and Disposal of Vehicles (Alteration of Enactments) Order 1967, after subsection (4) there shall be inserted the following subsection:—

"(4A) Any vehicle removed by the council of a district in England under regulations under this section shall be delivered by them to the council of the county comprising the district in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the district council and the county council under this Part of this Act) as may be agreed between the district council and the county council or, in default of agreement, as may be determined by the Secretary of State."

(2) In subsection (8) of that section in the definition of "local authority" for the words from "and Wales" to "county district" there shall be substituted the words "means the Greater London Council or the council of a county, in relation to Wales means the council of a county or district".

11.—(1) In section 21, in subsection (1) for the words "their district", there shall be substituted the words "the whole or part of their area".

(2) Subsection (2) of that section shall be omitted.

(3) In subsection (3) of that section for the word "areas" there shall be substituted the word "localities" and for the word "area" there shall be substituted the word "locality".

(4) In subsection (6) of that section, in paragraph (a) for the words from "other than" to the end of the paragraph there shall be substituted the words "the council of a county or the Greater London Council"; paragraph (c) shall be omitted; for the word "district" there shall be substituted the word "area"; and the words from "in relation to the council of a county in England" to "the county, and" shall be omitted.

12.—(1) In section 24, in subsection (2)(a), the words "or county borough" shall be omitted.

SCH. 19 (2) In subsection (5) of that section the words "or county borough" and "or borough" shall be omitted.

13. In section 26(1), the words "borough or urban district" shall be omitted.

14.—(1) In section 28, in subsection (6) in paragraph (a) for the words "the council of a county borough" there shall be substituted the words "subject to subsections (6A) and (7) and section 28A below, the council of a county" and the words "subject to subsection (7) below" shall be omitted.

(2) After subsection (6) of that section there shall be inserted the following subsection:—

"(6A) Subject to section 28A(1) below, before exercising their powers under subsection (1) above or section 31(1) below, a county council shall consult the council of the district in which the parking place is to be, or is, situated".

15. After section 28 there shall be inserted the following section:—

"Exercise of powers by county and district councils.

28A.—(1) In relation to roads in England—

(a) the power to make an order under subsection (1) of section 28 above authorising the use as a parking place of any part of a road shall not be exercisable by district councils, and

(b) subsection (6A) of that section shall not apply in relation to the exercise of that power by a county council.

(2) Subject to subsection (1) above, a district council shall not exercise their powers under section 28, section 29 other than subsections (3) and (7) to (9) thereof, section 29A or section 31(1) of this Act without the consent of the county council, and any consent given by the county council may be subject to such conditions or restrictions as they think fit.

(3) Where a district council propose to make an order under section 31 or (in the case of a district council in Wales) section 28 of this Act, the district council shall submit a draft of the order to the county council who may, without prejudice to their power to give or withhold consent to the making of the order, require such modifications of the terms of the proposed order as they think appropriate.

(4) A district council who are aggrieved by the refusal of a county council to give consent under subsection (2) above, by any conditions or restrictions subject to which any such consent is given, or by any modifications required under subsection (3) above may appeal to the Secretary of State; and on any such appeal the Secretary of State may give such directions as he thinks fit either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.

(5) Subject to subsection (6) below, the power to vary or revoke an order made by a district council under section 28(1) above or section 31(1) below shall be exercisable by the county council as well as by the district council; but if the county council propose to make an order in the exercise of that power they shall send a copy of the proposed order to the district council who made the order which it is proposed to vary or revoke.

(6) If, not later than six weeks after they have received from the county council a copy of a proposed order under subsection (5) above, a district council serve notice on the county council and the Secretary of State of their objection to the making of the proposed order and the objection is not withdrawn by a further notice served not later than six weeks after the service of the notice of objection, the county council shall submit a copy of the proposed order to the Secretary of State and may not make the order except with the consent of the Secretary of State.

(7) The Secretary of State may, if he consents to any order submitted to him for his consent under subsection (6) above, consent to the order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the county council and district council in question and any other persons likely to be concerned”.

16. In section 31, after subsection (1) there shall be inserted the following subsection:—

“(1A) The powers of a county council under this section shall apply in relation to any parking place—

(a) provided by the council of a district in the county under section 28 of this Act, or

(b) provided under any letting or arrangements made by the council of such a district under section 29(6) thereof, as they apply in relation to parking places provided by, or under any letting or arrangements made by, the county council; but if, by virtue of this subsection, a county council propose to make an order under subsection (1) above in relation to a parking place they shall send a copy of the proposed order to the district council concerned and subsections (6) and (7) of section 28A of this Act shall apply with the substitution of a reference to this subsection for the reference to subsection (5) of that section.”

17. For subsection (4) of section 35 there shall be substituted the following subsection:—

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“(4) In this section and sections 36 to 44 of this Act “local authority” means—

(a) in England, the council of a county or London borough or the Common Council of the City of London; and

(b) in Wales, subject to section 35A of this Act, the council of a county or of a district;

and “the local authority” in relation to a parking place or proposed parking place on any site means that one of those councils or, in Wales, each of the two councils in whose area the site is.”

18. After section 35 there shall be inserted the following section—

“Powers of
local
authorities
in Wales.

35A.—(1) Before exercising their powers under section 35, section 36, section 37 or section 39(1) of this Act, the council of a county in Wales shall consult the council of the district in which the designated parking place is to be, or is, situated.

(2) The council of a district in Wales shall not exercise their powers under any of the provisions specified in subsection (1) above without the consent of the county council, and any consent given by the county council may be subject to such conditions or restrictions as they think fit.

(3) Where a district council in Wales propose to make an order under any of the provisions specified in subsection (1) above, the district council shall submit a draft of the order to the county council who may, without prejudice to their power to give or withhold consent to the making of the order, require such modifications of the terms of the proposed order as they think appropriate.

(4) A district council who are aggrieved by the refusal of the county council to give consent under subsection (2) above, by any conditions or restrictions subject to which any such consent is given, or by any modifications required under subsection (3) above may appeal to the Secretary of State; and on any such appeal the Secretary of State may give such directions as he thinks fit either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.

(5) Subject to subsection (6) below, the power to vary or revoke an order made by a district council in Wales under any of the provisions specified in subsection (1) above shall be exercisable by the county council as well as by the district council; but if the county council propose to make an order in the exercise of that power they shall send a copy of the proposed order to the district council who made the order which it is proposed to vary or revoke.

(6) If, not later than six weeks after they have received from the county council a copy of a proposed order under subsection (5) above, a district council in Wales

serve notice on the county council and the Secretary of State of their objection to the making of the proposed order and the objection is not withdrawn by a further notice served not later than six weeks after the service of the notice of objection, the county council shall submit a copy of the proposed order to the Secretary of State and may not make the order except with the consent of the Secretary of State.

(7) The Secretary of State may, if he consents to any order submitted to him for his consent under subsection (6) above, consent to the order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the county council and district council in question and any other persons likely to be concerned.

(8) In Wales a county council or district council by whom a parking place has been designated may enter into an agreement with a district council or the county council respectively for the transfer from the one council to the other of the operation of the parking place, and any such agreement—

(a) may provide for the transfer of such apparatus or other things held by, and rights or liabilities of, the transferring council in connection with the parking place as may be specified in the agreement, and

(b) shall specify the date of the transfer and its terms (which may include terms as to the making of payments by one council to the other),

and from the taking effect of any such transfer the order designating the parking place shall have effect subject to such modifications (if any) as the county council concerned (whether as transferee or transferor) may direct, being modifications appearing to them requisite in consequence of the transfer; and the provisions of this section and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated by order made on the application of the authority to whom its operation is transferred”.

19. At the end of section 36 there shall be inserted the following subsection:—

“(3) The power of a county council in Wales to make an order under subsection (2) above or section 37(3) below shall apply in relation to any parking place designated by an order

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made by the council of a district in the county as it applies in relation to a parking place designated by an order made by the county council; but if, by virtue of this subsection, a county council in Wales propose to make an order under subsection (2) above or section 37(3) below they shall send a copy of the proposed order to the district council concerned and subsections (6) and (7) of section 35A of this Act shall apply with the substitution of a reference to this subsection for the reference to subsection (5) of that section”.

20. In section 37, at the beginning of subsection (2) there shall be inserted the words “Subject to subsection (2A) below” and at the end of that subsection there shall be inserted the following subsection:—

“(2A) Notwithstanding anything in subsection (2) above the designation of a place as a parking place by a county council in Wales may not be revoked by a designation order made by a district council.”

21. In section 43(4) for the words from “or Wales” to “county district” there shall be substituted the words “the council of a county and in Wales the council of a county or district” and after the words “in their area” there shall be added the words “other than one (in Wales) for which another council has responsibility”.

22. After section 49 there shall be inserted the following section:—

“Provision
by parish or
community
councils of
off-street
parking
places for
vehicles
generally.

49A.—(1) Subject to the following provisions of this section, the power of a parish or community council under subsection (1) of section 46 of this Act to provide and maintain within the parish or community suitable parking places for bicycles and motor cycles shall extend to the provision, otherwise than on roads, of parking places for vehicles of other descriptions or for vehicles generally and the maintenance of such parking places; and references in that section and section 47 of this Act to parking places shall be construed accordingly.

(2) The council of a parish or community shall not exercise their power under section 46(1) of this Act as extended by subsection (1) above without the consent of the council of the county in which the parish or community is situated, and any consent given by the county council may be subject to such conditions or restrictions as they think fit.

(3) A parish or community council proposing to exercise their power under section 46(1) of this Act as extended by subsection (1) above shall—

(a) for the purpose of obtaining the consent of the county council under subsection (2) above, make an application in writing to the county council giving details of the parking place which they propose to provide; and

- (b) send a copy of that application to the council of the district in which the parish or community is situated ;

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and the county council, in considering whether or not to give their consent or to make their consent subject to any conditions or restrictions, shall have regard to any representations made to them by that district council.

(4) The power under subsection (5) of section 46 of this Act to make byelaws with respect to parking places shall not apply in relation to a parking place provided under subsection (1) of that section as extended by subsection (1) above ; but, subject to the following provisions of this section, section 31 of this Act shall apply in relation to such a parking place as if—

- (a) the parish or community council were a local authority for the purposes of those sections and section 28 of this Act, and
(b) the parking place were provided by the parish or community council under section 28 of this Act.

(5) A parish or community council shall not, by virtue of subsection (4) above, make an order under section 31(1) of this Act without the consent of the county council, and any consent given by the county council may be subject to such conditions or restrictions as they think fit.

(6) Where, by virtue of subsection (4) above, a parish or community council propose to make an order under section 31(1) of this Act, the council shall submit a draft of the order to the county council who may, without prejudice to their power to give or withhold consent to the making of the order, require such modifications of the terms of the proposed order as they think appropriate.

(7) The powers of a county council under section 31 of this Act shall apply in relation to a parking place provided by a parish or community council under section 46(1) of this Act, as extended by subsection (1) above, as they apply in relation to a parking place provided by a county council, and the power to vary or revoke an order made by a parish or community council under section 31(1) of this Act shall be exercisable by the county council as well as by the parish or community council.

(8) If, by virtue of subsection (7) above, a county council propose to make an order under section 31(1) of this Act in relation to a parking place provided by a parish or community council they shall send a copy of the proposed order to the parish or community council ”.

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S.I. 1967/1900.

23. In section 52, as set out in Schedule 1 to the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967, at the end of subsection (4) there shall be added the words "and a vehicle so removed by the council of a district in England shall be treated as in the custody of the council of the county comprising the district while it was in the custody of the district council by whom it was so removed".

24. In section 65, in subsection (2) for the words from "and Wales" to "county district" there shall be substituted the words "the council of a county" and after the words "City of London" there shall be inserted the words "as respects Wales, the council of a county or district."

25. In section 66, in England and Wales, subsection (1) shall be omitted.

26.—(1) In section 69, in subsections (1) and (3) for the words "authority who made the order" there shall be substituted the words "highway authority".

(2) In subsection (3) of that section the words from "but, where" to the end of the subsection shall be omitted.

27. In section 76(2), for sub-paragraphs (ii) to (iv) of paragraph (a) there shall be substituted the following sub-paragraph—

"(ii) in the case of any other road, the council of the county in which it is situated".

28. In section 82(4), the words "or county borough, county district" and "borough included in a rural district" shall be omitted and at the end there shall be added the words "or, in relation to section 28(1) of this Act, the council of a district in Wales".

29. In section 84A, after subsection (6), there shall be inserted the following subsections:—

"(6A) Where the Secretary of State—

(a) gives a direction under subsection (1) above requiring a county council or district council to make an order under section 28(1) or section 31(1) of this Act, or

(b) makes such an order by virtue of subsection (2) above, neither subsection (6A) of section 28 nor subsections (2) to (4) of section 28A of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

(6B) Where the Secretary of State—

(a) gives a direction under subsection (1) above requiring a county or district council in Wales to make an order under any of the provisions specified in subsection (1) of section 35A of this Act, or

(b) by virtue of subsection (2) above, makes such an order in relation to a parking place in Wales, nothing in subsections (1) to (4) of section 35A of this Act shall apply in relation to anything done in pursuance of the direction

or, as the case may be, in relation to the making of the order by the Secretary of State.

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(6C) Where the Secretary of State—

(a) gives a direction under subsection (1) above requiring a county council or parish or community council to make an order under section 31(1) of this Act in relation to a parking place provided by a parish or community council, or

(b) makes such an order in relation to such a parking place by virtue of subsection (2) above,

neither subsections (5) and (6) nor subsection (8) of section 49A of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State."

30.—(1) In section 84C, in subsection (2) after the words "of the appropriate Minister" there shall be inserted the words "or a county council," and after the words "that Minister" there shall be inserted the words "or council" and after the words "submitted to him" there shall be inserted the words "or them".

(2) After subsection (5) of that section there shall be inserted the following subsection:—

"(5A) The Secretary of State may make regulations with respect to the procedure in connection with appeals to him by district councils under sections 28A and 35A of this Act."

31. In section 84D(1), after the words "Subject to" there shall be inserted the words "sections 28A(5), 35A(5) and 49A(7) above and to".

32. In section 104(1), in the definition of "highway authority" the words from "the council of a county borough" to "urban district" shall be omitted.

PART III

PART III OF THE CIVIC AMENITIES ACT 1967

1967 c. 69.

33.—(1) In section 20 (removal of abandoned vehicles) after subsection (4) there shall be inserted the following subsection—

"(4A) Any vehicle removed by the council of a district in England under this section shall be delivered by them to the county council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the district council and the county council under this Part of this Act) as may be agreed between the district council and the county council or, in default of agreement, as may be determined by arbitration."

(2) In subsection (5) of that section, after the words "Greater London Council" there shall be inserted the words "or the council of a county in England" and for the words "the authority or the Council" there shall be substituted the words "that body".

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34. In section 21(1) (disposal of removed vehicles) for the words "county borough or county district" there shall be substituted the words "county in England or a district in Wales".

35. In section 22 (recovery of expenses connected with removed vehicles) in subsection (3), in the definition of "the appropriate authority" for the words "county borough or a county district" there shall be substituted the words "district in England, the county council, in the case of a vehicle so removed by the council of a district in Wales" and at the end of that subsection there shall be added the words "and a vehicle so removed by the council of a district in England shall be treated as in the custody of the county council while it was in the custody of the district council by whom it was so removed".

36. In section 24(1) (acquisition of land for purposes of Act) after the words "local authority" there shall be inserted the words "and in England the council of a county".

Section 187.

SCHEDULE 20

MAINTENANCE OF CERTAIN HIGHWAYS BY DISTRICT COUNCILS

PART I

REGULATIONS GOVERNING EXERCISE OF POWERS

1. Before exercising their powers under subsection (2) of section 187 above in relation to any such highway as is referred to in that subsection, the council of a district shall give notice of their intention to do so to the county council who are the local highway authority, specifying the highway or highways concerned.

2. If the county council are of the opinion that any highway specified in a notice under paragraph 1 above does not fall within section 187(2) above, they may, at any time within the period of six weeks beginning with the date on which they receive the notice, serve a counter-notice on the district council disputing the right of the district council to exercise in relation to the highway concerned any of the powers specified in that section; and if the dispute is not resolved by the county council and the district council within six weeks after the receipt of the counter-notice by the district council the dispute shall be referred to the Secretary of State for his decision.

3.—(1) The powers of a district council under section 187(2) above with respect to a highway specified in a notice under paragraph 1 above shall become exercisable—

- (a) where no counter-notice is served in respect of the highway under paragraph 2 above, at the expiry of the period of six weeks first specified in that paragraph; and
- (b) where such a counter-notice is served, when the dispute is resolved in favour of the district council by the councils concerned or, as the case may be, when the Secretary of State's decision on the dispute in favour of the district council is received by the district council;

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but if a dispute resulting from the service of a counter-notice under paragraph 2 above is resolved or decided by the Secretary of State against the district council, the district council's powers shall not be exercisable in respect of the highway concerned and no further notice under paragraph 1 above may be given by the district council in respect of that highway unless its status is changed or there is such a change in the character of the road as to give reasonable ground for believing that it has become an urban road.

(2) In the event that a highway in respect of which the powers of a district council under section 187(2) above have become exercisable in accordance with sub-paragraph (1) above or paragraph 4(2) below becomes a trunk road or classified road, the powers of the district council under that section shall thereupon cease with respect to that highway.

4.—(1) Without prejudice to paragraph 3(2) above, the powers of a district council under section 187(2) above shall cease to be exercisable with respect to any highway—

(a) on such day as may be agreed between the district council and the county council who are the local highway authority for the highway ; or

(b) six months after the receipt by that county council of a notice from the district council stating the intention of the district council to cease to exercise those powers ;

and any such agreement or notice may relate either to such highway or highways as may be specified in the agreement or notice or to all the highways in respect of which the powers of the district council are exercisable at the time the agreement is made, or, as the case may be, the notice is served.

(2) Where the powers of a district council under section 187(2) above have ceased to be exercisable with respect to a highway by virtue of an agreement or notice under sub-paragraph (1) above, those powers shall not, except with the consent of the county council who are the highway authority for that highway, again become exercisable with respect to that highway at any time within the period of ten years beginning with the day on which the powers cease to be so exercisable ; but if, at any time after the expiry of that period or, with the consent of the county council, before the expiry, the district council intend again to exercise those powers with respect to that highway, paragraphs 2 and 3(1) above shall not apply and those powers shall become exercisable at the expiry of the period of six weeks beginning with the date on which the county council who are the highway authority receive notice of the district council's intention under paragraph 1 above.

(3) If, by virtue of paragraph 3(2) or sub-paragraph (1) above, the powers of a district council under section 187(2) above cease to be exercisable with respect to any highway, the cessation shall not affect the continued existence, on and after the day on which the powers cease to be so exercisable, of any rights or liabilities of the district council in respect of the highway which are in existence immediately before that day.

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5.—(1) Every district council shall prepare and keep up to date a list of the highways in respect of which their powers under section 187(2) above are for the time being exercisable, and the council shall make the list available for public inspection free of charge at all reasonable hours at the offices of the council.

(2) A copy of any list of highways prepared by a district council under sub-paragraph (1) above and of all amendments for the time being made thereto shall be furnished by the district council to the county council who are the highway authority for the highways concerned.

(3) Except in so far as the powers of a district council under section 187(2) above with respect to a highway cease to be exercisable in accordance with paragraph 3(2) or paragraph 4(1) above, an entry in the list kept under this paragraph shall be conclusive evidence that the highway specified in the entry is one in respect of which the district council's powers under that section are exercisable.

6. A statement by or on behalf of the Secretary of State that a highway is or is not a classified road shall be conclusive for the purposes of section 187(2) above and of this Schedule.

7. A district council shall indemnify a county council in respect of any claim made against the county council, as highway authority,—

- (a) in respect of a failure to maintain a highway at a time when the powers of the district council under section 187(2) above were exercisable with respect to the highway, or
- (b) arising out of any works of maintenance on a highway carried out by the district council in exercise of those powers.

PART II

REIMBURSEMENT BY HIGHWAY AUTHORITIES OF CERTAIN EXPENSES OF DISTRICT COUNCILS

8. The provisions of this Part of this Schedule apply where, by virtue of section 187(2) of this Act, a district council are exercising the power referred to in paragraph (a) of that section in relation to any highways within their district, and references in the following provisions of this Part of this Schedule to a district council and to their maintenance power shall be construed accordingly.

9. On or before 15th December in each year the district council shall submit to the county council for their approval a detailed estimate of the cost for the ensuing financial year of the maintenance of every highway in respect of which their maintenance power is exercisable, and on any such estimate being approved by the county council, either with or without modifications, the amount to be paid by the county council under section 187(4) of this Act shall, subject to paragraph 10 below, be the amount of that estimate, or of that estimate as amended by any supplementary estimate submitted to and approved by the county council, or such less sum as may have been actually expended by the district council on the highways in question during that financial year.

10. The county council shall not be liable to make a payment towards the cost of the maintenance of any highway until they are satisfied, by a report of such one of their officers or such other person as they may appoint for the purpose, that the works of maintenance are being or have been properly executed.

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11. The district council may at any time, and from time to time, submit to the county council for their approval a detailed supplementary estimate.

12. A county council shall not unreasonably withhold approval of an estimate submitted to them under this Part of this Schedule, and any question whether their approval has been unreasonably withheld, or whether any works of maintenance are being or have been properly executed, or as to the liability of a county council to make a payment under section 187(4) of this Act, shall be determined by the Secretary of State.

SCHEDULE 21

Section 188

AMENDMENTS OF ENACTMENTS RELATING TO HIGHWAYS

PART I

THE HIGHWAYS ACT 1959

1959 c. 25.

1.—(1) In section 1, in subsection (2) for the words from the beginning to "urban district", in the first place where those words occur, there shall be substituted the words "Outside Greater London the council of a county" and for the words "borough or district" there shall be substituted the word "county".

(2) In subsection (4) of that section for the words "The two last foregoing subsections" there shall be substituted the words "Subsection (2) of this section" and for the words "either of those subsections" there shall be substituted the words "that subsection".

2. In section 2, for paragraphs (a) and (b) there shall be substituted the following paragraph:—

"(a) where the road is situated outside Greater London, the council of the county, and".

3. In section 3(1), for the words from the beginning to "may" there shall be substituted the words "The local highway authority may".

4. For section 6 there shall be substituted the following section:—

"Highway authority for approaches to and parts of certain bridges.

6.—(1) Where a bridge carries a highway for which the Secretary of State is not the highway authority and part of the bridge is situated in one county and part in another the highway authority for the highway carried by the bridge and the approaches thereto shall be such one of the councils of those counties as may be agreed between them before such a day as the Secretary of State may by order made by statutory instrument appoint or, in default of such agreement, as may be determined by the Secretary of State.

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(2) Where the Secretary of State has made a determination under subsection (1) above the determination—

(a) may be varied at the request of the council of either of the counties concerned ; and

(b) shall be varied to give effect to any request made jointly to the Secretary of State by those councils ;

and any such variation shall take effect on the 1st April falling not less than three months, and not more than fifteen months, after the date on which the determination is varied.

(3) Where a bridge carries a highway for which the Secretary of State is not the highway authority and subsection (1) above does not apply, but some part of one or more of the approaches to the bridge lies in a county different from the bridge itself, the highway authority for the whole of that approach or those approaches shall be the council of the county in which the bridge is situated.

(4) For the purposes of this section, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within one hundred yards of either end of the bridge."

5. In section 8(2), in paragraphs (b) and (c), the words "that it shall not be exercisable by a county council in a borough or urban district, but, save as aforesaid" shall be omitted.

6.—(1) In section 10, in subsection (1), after the words "Greater London Council" there shall be inserted the word "or" and the words "or with the council of an urban district" and, in the proviso, the words "county borough" shall be omitted.

(2) In subsection (4) of that section the words "or urban district" shall be omitted.

7. In section 27, the proviso to subsection (1) shall be omitted and after that subsection there shall be inserted the following subsections:—

"(1A) For the purposes of this section "local authority"—

(a) in relation to land outside Greater London means the council of a county, the council of a district or a joint planning board, within the meaning of the Town and Country Planning Act 1971, being a board for an area which comprises any part of a National Park ; and

(b) in relation to land in Greater London means the Greater London Council, the council of a London borough or the Common Council.

(1B) Before exercising any power under this section a local authority shall consult any other local authority or authorities in the area of which the land concerned is situated."

8. In section 28, for subsection (3), there shall be substituted the following subsection:—

“(3) Subsections (1A) and (1B) of section 27 of this Act shall apply in relation to this section as they apply in relation to that.”

9.—(1) In section 29, subsections (1), (2), (4) and (5) shall be omitted.

(2) In subsection (3) of that section for the words “the appropriate authority, may direct the authority” there shall be substituted the words “each body which is a local authority for the purposes of that section in relation to the land concerned, may direct such one of those bodies as he may determine”.

10.—(1) In section 30, in subsection (1), in paragraph (b) for the words from “the appropriate authority” to the end of the paragraph there shall be substituted the words “he directs that this subsection shall apply” and for the words from “or paragraph (b)” to the end of the subsection there shall be substituted the words “of this subsection or, where paragraph (b) applies, on such local authority as the Secretary of State may direct”.

(2) After subsection (4) of that section there shall be inserted the following subsection:—

“(4A) Notwithstanding anything in the preceding provisions of this section, where an agreement or order is made as mentioned in paragraph (a) of subsection (1) of this section, the local authority making the agreement or order may—

(a) with the consent of the highway authority carry out (in place of the highway authority) the duties imposed by that subsection on the highway authority; and

(b) carry out any works which, apart from this subsection, it would be the duty of the highway authority to carry out under subsection (4) of this section”.

(3) In subsection (5) of that section, in paragraph (b), for the words from “the appropriate authority” to the end of the paragraph there shall be substituted the words “he directs that this subsection shall apply”, and in paragraph (i) for the words “or paragraph (b) of this subsection, as the case may be” there shall be substituted the words “of this subsection or, where paragraph (b) applies, the local authority who, on the coming into operation of the order, became the highway authority for the path or way in question”.

(4) In subsection (6) of that section, for the words following “means” there shall be substituted the words “any council or any such joint planning board as is mentioned in section 27(1A) of this Act”.

11. In section 31(3), for the words from “the authority who” onwards there shall be substituted the words “such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection”.

12. In section 32, after the word “councils” there shall be inserted the words “and of joint planning boards”.

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13.—(1) In section 34, in subsections (4), (6) and (12) for the words “county borough” in each place where they occur there shall be substituted the words “London borough”, and the words “and of the county district”, in each place where they occur, shall be omitted; and in subsection (12) of that section the words “a London borough or” and “in the case of the City of London” shall be omitted.

(2) In subsection (6) of that section, for the word “councils” there shall be substituted the words “a council”.

14. In section 37, for the words “borough or urban district” there shall be substituted the words “or London borough”.

15. In section 38, in subsection (2)(c) for the words from “the council” to “within” there shall be substituted the words “a council within”, after the words “Housing Act 1957” there shall be inserted the words “other than one in respect of which the local highway authority are satisfied that it has not been properly constructed”, for the words “local authority or the Greater London Council” there shall be substituted the word “council” and for the words from “vested” to “or district” there shall be substituted the words “vested in the council which is the local highway authority for the area”; and in subsection (6) for the words “borough and urban district” there shall be substituted the words “county and London borough and the Common Council” and at the end of that subsection there shall be inserted the words “and in the case of a list made by the council of a county, the county council shall supply to the council of each district in the county an up to date list of the streets within the area of the district which are highways maintainable at the public expense and the list so supplied shall be kept deposited at the office of the district council and may be inspected by any person free of charge at all reasonable hours”.

16. In section 40, for subsection (4) there shall be substituted the following subsection:—

“(4) Where—

(a) any such highway as is referred to in paragraph (b) of subsection (2) of this section is intended to become a metropolitan road, or

(b) any such bridge or viaduct as is referred to in subsection (3) of this section crosses or will cross a metropolitan road,

the powers conferred by the said subsections (2) and (3) shall, as respects that highway, bridge or viaduct, be exercisable by the Greater London Council and not by any other local highway authority.”

17. In section 43 for the words from “borough” to “may” there shall be substituted the words “or London borough or the Common Council may”.

18.—(1) In section 48, in subsections (3) and (4) for the words “rural district, urban district or borough” there shall be substituted the words “county or London borough”.

(2) In subsection (5) of that section, for paragraphs (a) and (b) and the words "the authority" there shall be substituted the words "a bridge maintainable at the public expense and so much of a highway so maintainable as is carried by the bridge or forms the approaches to the bridge up to 100 yards from each end of the bridge, the highway authority".

(3) In subsection (6) of that section for the words "trunk road bridge or a county bridge, the" there shall be substituted the words "bridge maintainable at the public expense, the highway".

(4) After subsection (8) of that section there shall be inserted the following subsection:—

"(8A) So far as relates to highways in respect of which a district council's powers of maintenance under section 187(2) of the Local Government Act 1972 are exercisable, references in this section and in section 49 of this Act to a highway authority include references to the district council."

(5) In subsection (9) of that section, the definitions beginning "trunk road bridge" and "trunk road" shall be omitted and for the word "borough" there shall be substituted the words "London borough".

19.—(1) In section 50, in subsection (1) for the word "two" there shall be substituted the word "three".

(2) After subsection (2) of that section there shall be inserted the following subsection:—

"(2A) Where a county council, as highway authority, propose to make an application under this section for an order relating to any highway, they shall give notice of the proposal to the council of the district in which the highway is situated, and the application shall not be made if, within two months from the date of service of the notice by the county council, notice is given to the county council by the district council that the district council have refused to consent to the making of the application."

20. At the end of section 53 there shall be inserted the following subsection:—

"(3) In relation to any footpath or bridleway in respect of which, by virtue of section 187(2) of the Local Government Act 1972, a district council have the like power as a parish council under this section, the references in subsection (2) of this section to a parish shall be construed as including references to a district."

21. In section 65, for subsection (4) there shall be substituted the following subsection:—

"(4) As respects a metropolitan road, the powers of a highway authority under this section may be exercised, with the consent of the Greater London Council, by the council of the London borough in which the road is situated or, in the case of a road situated in the City of London, by the Common Council."

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22. In section 67, for subsections (4) and (5) there shall be substituted the following subsections:—

“(4) As respects any part of a highway outside Greater London, being a highway for which the Secretary of State is the highway authority, the powers of a highway authority under subsections (2) and (2A) of this section in relation to any part of the highway in a county may be exercised, with the consent of the Secretary of State, by the council of that county.

(5) As respects any part of a highway in a London borough or the City of London, being a highway for which the council of the borough or the Common Council are not the highway authority, the powers of a highway authority under subsections (2) and (2A) of this section may be exercised, with the consent of the highway authority, by the council of that London borough or by the Common Council, as the case may require.”

23.—(1) In section 69, in subsection (1), the words from “in a borough” to “in any case a highway” shall be omitted.

(2) For subsection (2) of that section there shall be substituted the following subsection:—

“(2) With respect to roads in Greater London, the powers of a highway authority under this section may be exercised with that authority’s consent—

(a) in the case of a highway for which the Secretary of State is the highway authority, by the council of a London borough or the Common Council, as respects any parts of the highway in that council’s area ; and

(b) in the case of a metropolitan road, by the council of a London borough or the Common Council, as respects any part of the highway in that borough or, as the case may be, in the City of London.”

(3) In subsection (3) of that section, the words “a road in a borough or urban district, being” shall be omitted ; for the words “borough or urban district” there shall be substituted the words “district or London borough”, and at the end of that subsection there shall be added the words “or, in the case of a road situated in the City of London, as if the Common Council were the highway authority therefor.”

24. In section 71(2), for the words “local authority” there shall be substituted the words “council or joint planning board” and the words “and in section twenty-nine of this Act” shall be omitted.

25. In section 76(1) for the words “appropriate authority” there shall be substituted the words “highway authority”.

26. In section 81(2) for the words from “who are not” onwards there shall be substituted the words “except with the consent of the council of the district in which the land is situated, or, if the land is situated in a London borough or the City of London and the highway authority concerned is the Greater London Council or the

Secretary of State, with the consent of the council of that London borough or the Common Council, as the case may require”.

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27. In section 85(4), paragraph (a) shall be omitted and for paragraph (b) there shall be substituted the following paragraph:

“(a) as respects a highway being a trunk road situated outside Greater London, by the council of the county in which the highway is situated, as well as by the Secretary of State.”

28.—(1) In section 101, for paragraphs (a) to (c) of subsection (2) there shall be substituted the following paragraph:—

(a) in the case of a bridge situated outside Greater London, by the council of the county in which the bridge is situated.”

(2) In subsection (3) of that section, after the word “exercisable” there shall be inserted the words “by the council which, by virtue of section 6 of this Act, is the highway authority for the whole of the bridge or, if there is no such highway authority”.

29. In section 108(2) for the words “a highway situated in a rural parish” there shall be substituted the words “any highway”; for the words from “the council of the rural district”, in the first place where they occur, to “parish meeting”, in the first place where those words occur, there shall be substituted the words—

“(a) the council of the district in which the highway is situated; and

(b) if the highway is in England, the council of the parish (if any) in which the highway is situated or, if the parish does not have a separate parish council, to the chairman of the parish meeting; and

(c) if the highway is in Wales, the council (if any) of the community in which the highway is situated”;

and for the words from “either” to “case may be” there shall be substituted the words “by the district council or by the parish or community council or, as the case may be, by the chairman of the parish meeting”.

30.—(1) In section 110, for the words “local authority” and the word “authority”, in each place where they occur, there shall be substituted the word “council”.

(2) At the end of that section there shall be added the following subsection:—

“(7) In this section and in sections 111 to 113 of this Act, the expression “council” includes a joint planning board, within the meaning of the Town and Country Planning Act 1971, 1971 c. 78, being a board for an area which comprises any part of a National Park.”

31. In section 111, for the words “local authority” and the word “authority”, in each place where they occur, there shall be substituted the word “council”.

32.—(1) In section 112, in subsection (1), after the word “exercisable” there shall be inserted the words “by a council” and for

SCH. 21 paragraphs (a) to (d) of that subsection there shall be substituted the following paragraphs:—

- “(a) with respect to any part of a footpath or bridleway which is within their area, without prior consultation with the other council in whose area that part of the footpath or bridleway is situated ;
- (b) with respect to any part of a footpath or bridleway which is outside their area, except with the consent of every council in whose area it is ; and
- (c) with respect to any part of a footpath or bridleway in a National Park, without prior consultation with the Countryside Commission.”

(2) In subsection (2) of that section, for the words “local authority”, in each place where they occur, there shall be substituted the word “council”, after the word “extend” there shall be inserted the words “subject to subsection (1) of this section”, and the proviso shall be omitted.

(3) Subsections (3) and (4) of that section shall be omitted.

(4) In subsection (5) of that section, in paragraph (a) for the words “the appropriate authority have not” there shall be substituted the words “no council having power to do so have”, for the words “the said authority, may direct the authority” there shall be substituted the words “each of the councils having power to make such an order, may direct such one of them as he may determine” and for the words from “the relevant provisions” to “case may be” there shall be substituted the words “subsection (1) of this section”.

(5) For subsection (7) of that section there shall be substituted the following subsection:—

“(7) Where under subsection (5) of this section the Secretary of State directs a council to make a public path diversion order or decides himself to make such an order, the council, or as the case may be the Secretary of State, may require the owner, lessee or occupier on whose representations the Secretary of State is acting to enter into an agreement with the council, or, where the Secretary of State himself is to make the order, with such council as he may specify, for the owner, lessee or occupier to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 111(4) of this Act.”

33. In section 113(1), for the word “authority” in the first place where it occurs there shall be substituted the word “council” and for the word “authorities”, in each place where it occurs, there shall be substituted the word “councils”.

34.—(1) In section 116, in subsection (1), for the words from the beginning to “trunk road” there shall be substituted the words “it shall be the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority”.

(2) At the beginning of subsection (2) of that section, there shall be inserted the words "With respect to any highway in their area for which they are not the highway authority"; the words "as respects any county road in the county" shall be omitted; for the words "county borough" there shall be substituted the word "district"; and the words "as respects any highway in their area" and "road or" shall be omitted.

(3) In subsection (3) of that section, for the words from "the council", in the first place where they occur, to "their district and" there shall be substituted the words "a council which is a highway authority"; for the words "those highways" there shall be substituted the words "highways for which they are the highway authority"; for the words from "on the council" to "is situated" there shall be substituted the words "on a council which is a highway authority shall extend to a highway for which they are not the highway authority"; and for the word "district", in the last place where it occurs, there shall be substituted the word "area".

(4) In subsection (4) of that section for the words "the council of a county district" there shall be substituted the words "a local highway authority" and for the words "within their district" there shall be substituted the words "for which they are the highway authority".

(5) In subsection (6) for the words from "or, in the case" to "is situated" there shall be substituted the words "or community or, in the case of a parish or community which does not have a separate parish or community council, the parish meeting or a community meeting, represent to a local highway authority"; for the words "the council of the county district" in paragraph (a) and the words "the council of that district" there shall be substituted the words "the local highway authority"; and in paragraph (b) for the words "within the county district" there shall be substituted the words "for which the authority are the highway authority".

35. In section 118, in subsection (1) the words "subject to the following subsection" and subsection (2) shall be omitted.

36. In section 119, in subsection (5A) for the word "if" there shall be substituted the word "by" and the words from "are not" to the end of the subsection shall be omitted.

37. At the end of section 124 there shall be added the following subsection:—

"(5) In relation to a highway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972, the district council shall have the like powers under this section as the highway authority for the highway."

38. At the end of section 126 there shall be added the following subsection:—

"(6) In the case of a highway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972 a representation under subsection (1) of this section may be made to the district council instead

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of to the highway authority, and in relation to a representation so made, references in this section to the highway authority shall be construed as references to the district council."

39. In section 130(4) for the words following "means" there shall be substituted the following paragraphs—

"(a) in relation to a street outside Greater London, either the highway authority for the street or the council of the district in which the street is situated ; and

(b) in relation to a street within Greater London, the council of the London borough in which the street is situated or, if it is situated in the City of London, the Common Council or, alternatively, if the street is a metropolitan road, the Greater London Council."

40.—(1) In section 132, in subsection (1), the words from "in a borough" to "of this Act" shall be omitted and for the words "council of the borough or district" there shall be substituted the words "local authority for the area" and after the word "situated" there shall be inserted the words "and also, if the street is a highway, the highway authority".

(2) In subsection (2) of that section, for the words "council of the borough or district" there shall be substituted the words "local authority for the area" and after the word "situated" there shall be inserted the words "or alternatively, if the street concerned is a highway, the highway authority".

(3) In subsections (3), (4), (6) and (8), for the words "local authority" in each place where they occur, there shall be substituted the words "highway authority or local authority".

41. In section 134(4), in paragraph (a) for the words "borough or urban district" there shall be substituted the words "London borough or district", paragraph (b) shall be omitted and at the end of paragraph (c) there shall be added the words "or (outside Greater London) the council of the district in which the highway is situated".

42. At the end of section 136 there shall be added the following subsection:—

"(11) In relation to a highway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972, the references to the highway authority in paragraphs (i) and (ii) of subsection (1) of this section shall be construed as references to the district council or the highway authority."

43. In section 142(5), for the words following "means" there shall be substituted the words "in relation to any highway, either the highway authority or (where they are not the highway authority) the local authority for the area in which the highway is situated".

44.—(1) In section 143, in subsection (3) for the words "appropriate authority" there shall be substituted the words "local authority who are the appropriate authority in relation to the highway concerned" and for the words "county borough or county district in which the nuisance exists" there shall be substituted the words "area of that local authority".

(2) In subsection (5) of that section for the words following "means" there shall be substituted the words "in relation to any highway, either the highway authority or (where they are not the highway authority) the local authority for the area in which the highway is situated".

45. In section 147, for the words in subsection (1) "local authority in whose area the street or court is situated" and for the words "local authority", in each place where they subsequently occur in subsections (1) to (3), there shall be substituted the words "appropriate authority", and at the end of that section there shall be added the following subsection:—

"(5) In this section "appropriate authority" means, in relation to any street or court, the council of the county or London borough in which it is situated or, if it is situated in the City of London, the Common Council."

46. In section 148, in subsection (1) for the words from "a street" to the end of the subsection there shall be substituted the words "any street unless it is securely fixed to the satisfaction of the council which, in relation to that street, is the appropriate authority for the purposes of section 147 of this Act".

47. In section 150 after the words "for a highway" there shall be inserted the words "or of a district council maintaining the highway by virtue of section 187(2) of the Local Government Act 1972".

48.—(1) In section 153, for the words in subsection (1) "local authority in whose area the street is situated" and for the words "local authority" in subsection (2) there shall be substituted the words "appropriate authority".

(2) For subsection (6) of that section there shall be substituted the following subsection:—

"(6) In this section and in section 154 of this Act "appropriate authority" means—

(a) in relation to a street outside Greater London which is a highway, the highway authority for the street; and

(b) in relation to any other street, the local authority in whose area the street is situated."

49.—(1) In section 154, in subsection (1), the words from "in any borough" to "rural district", in the second place where those words occur, shall be omitted, and for the words "local authority in whose area the street is situated" there shall be substituted the words "appropriate authority".

(2) In subsections (2), (3) and (6) of that section, for the words "local authority" there shall be substituted the words "appropriate authority".

50.—(1) In section 157, in subsection (1), for the words "borough and of every urban district" there shall be substituted the words "county and of every London borough".

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(2) In subsection (2) of that section, for the words "borough or of an urban district" there shall be substituted the words "county or London borough".

(3) Subsection (3) of that section shall be omitted.

(4) In subsections (5) and (7) of that section for the words "local authority" there shall be substituted the words "county council or London borough council".

(5) In subsection (9) of that section for the word "borough" there shall be substituted the words "London borough".

51. In section 159, for paragraphs (a) and (b) of subsection (8) there shall be substituted the following paragraphs:—

"(a) in relation to a highway outside Greater London, the county council;

(b) in relation to a highway in Greater London, the local authority for the area in which the highway is situated".

52. In section 160, after the word "Where" there shall be inserted the words "a county council or, in Greater London"; the words from "and, in the case" to "comprising the district" shall be omitted; and for the word "authority" there shall be substituted the words "county council or local authority".

53. In section 161, for the words "local authority", in each place where they occur, there shall be substituted the words "county council, London borough council or the Common Council", and for the words "the authority", in each place where they occur, there shall be substituted the words "the council".

54. In section 162, for the words "local authority", in each place where they occur, there shall be substituted the words "county council, London borough council or the Common Council", and for the words "the authority" there shall be substituted the words "the council".

55.—(1) In section 163, in subsection (1), for the words "borough or of an urban district" there shall be substituted the words "county or of a London borough or the Common Council".

(2) Subsection (2) of that section shall be omitted.

(3) In subsection (3) of that section, for the words from "borough" to "subsection (2) thereof" there shall be substituted the words "county or London borough or the Common Council under subsection (1) of this section".

(4) In subsection (5) of that section, for the words from "borough" onwards there shall be substituted the words "county or London borough in question or, as the case may be, in the City of London".

(5) Subsection (7) of that section shall be omitted.

56.—(1) In section 164, in subsection (1), for the words from the beginning to "may" there shall be substituted the words "The council of a county or London borough or the Common Council may".

(2) In subsection (2) of that section, for the words "A local authority" there shall be substituted the words "The council of a county or London borough or the Common Council".

(3) In subsections (5) and (6) of that section, for the words "local authority" there shall be substituted the word "council".

57.—(1) In section 165, in subsection (1), for paragraph (a) there shall be substituted the following paragraph:—

"(a) in the case of a new street which is, or is to be, situated in a London borough or the City of London, by the council of the London borough or the Common Council, as the case may be; and".

(2) In subsection (3) of that section, for the words "borough, urban district or county" there shall be substituted the words "county or London borough or the Common Council".

(3) Subsection (4) of that section shall be omitted.

58. In section 166, for paragraphs (a) and (b) of subsection (6) there shall be substituted the following paragraphs:—

"(a) in relation to a highway outside Greater London, the county council;

(b) in relation to a highway in Greater London, the local authority for the area in which the highway is situated".

59.—(1) In section 167, in subsection (1), for the words "local authority" there shall be substituted the words "county council, London borough council or the Common Council".

(2) In subsection (2) of that section, for the words from "local authority" to "as the case may be" there shall be substituted the words "council of a county or London borough or the Common Council, the council concerned are of opinion that a new street in their area".

(3) In subsection (3) of that section, for the words from "borough" to "comprising the district" there shall be substituted the words "county or London borough or the Common Council".

(4) In subsections (4) and (6) of that section for the words "an authority" there shall be substituted the words "a council".

(5) In subsections (6)(a) and (7) of that section, for the words "local authority", in each place where they occur, there shall be substituted the word "council".

(6) Subsection (8) of that section shall be omitted.

60. In section 168, for the words "a local authority or county council" there shall be substituted the words "the council of a county or London borough or the Common Council".

61. In section 169, for the words "a local authority" there shall be substituted the words "the council of a county or London borough or the Common Council".

62.—(1) In section 170, in subsection (2), for the words "a local authority" there shall be substituted the words "the council of a county or London borough or the Common Council".

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(2) In subsection (3) of that section, for the words from the beginning to "vary" there shall be substituted the words "The council of a county or London borough or the Common Council shall have the like power under section 164 of this Act to vary" and for the words "a local authority in whose area that section is in force" there shall be substituted the word "they".

63.—(1) In section 171, in subsection (1), for the words "local authority" there shall be substituted the words "council concerned".

(2) In subsection (2) of that section for the words "local authority" there shall be substituted the word "council".

64. In section 172, for the word "authority", in each place where it occurs, there shall be substituted the word "council".

65.—(1) In section 173, in subsection (1), for the words from "in all rural districts" to the end of the subsection there shall be substituted the words "and in all counties in England and Wales".

(2) Subsection (2) of that section shall be omitted.

(3) In subsection (3) of that section for the words from "all boroughs" to the end of the subsection there shall be substituted the words "all outer London boroughs, in all areas in counties in which the advance payments code was in force immediately before 1st April 1974 and in any parish or community or part of a parish or community in which, after that date, it is adopted in accordance with Schedule 14 to this Act".

66.—(1) In section 174, in the proviso to subsection (2), for the words from "in a rural district" to "the council of the rural district" there shall be substituted the words "the proper officer of the county council shall, when preparing the said specification, consult the council of the district in which the street works are to be carried out."

(2) In subsection (3) of that section for the word "surveyor" there shall be substituted the words "proper officer of the county council", the words "at the offices of the authority" shall be omitted and at the end of the subsection there shall be added the words "both at the offices of the street works authority and at the offices of the council of the district in which the street concerned is situated".

67. In section 179, in subsection (2) for the word "surveyor" there shall be substituted the words "proper officer of the county council", the words "at the offices of the authority" shall be omitted and at the end of the subsection there shall be added the words "both at the offices of the street works authority and the offices of the council of the district in which the street concerned is situated".

68. Section 187 shall cease to have effect.

69.—(1) In section 192, in subsection (3), in paragraph (c) for the words from "rural district or" to "within a rural district" there shall be substituted the words "parish or community", for the words "the rural district council" there shall be substituted the words "the

district council or, according to the date of the deposit, the rural district council" and for the words "rural district or contributory place" there shall be substituted the words "parish or community, or, as the case may require, in the part of the parish or community in which the building is to be erected", and in paragraph (i) for the words from "county", in the first place where it occurs, to "county district" there shall be substituted the words "county, district or London borough, the Greater London Council".

(2) In subsection (5) of that section for the words "a rural district or in any", in the first place where they occur, there shall be substituted the words "an area which before 1st April 1974 was a rural district or a" and for the words "the rural district or contributory place" there shall be substituted the words "that area".

70. In section 193, for subsection (1) there shall be substituted the following subsection:—

"(1) Where the advance payments code is in force in the whole or any part of a district, the district council, in any case to which the last foregoing section may be applicable, shall within one week from the date of the passing of any plans deposited with them relating to the erection of a building in an area in which that code is in force inform the street works authority that the plans have been passed; and in a case to which the last foregoing section applies the street works authority shall, within six weeks from the passing of any such plans, serve a notice on the person by or on whose behalf the plans were deposited requiring the payment or the securing under the last foregoing section of a sum specified in the notice."

71. In section 196(5), for the words from "a rural district" in the first place where those words occur to "the rural district council", in the second place where those words occur, there shall be substituted the words "the whole or any part of a district, the district council".

72.—(1) In section 197, in subsection (1), for the word "appropriate" there shall be substituted the word "district".

(2) For subsection (3) of that section there shall be substituted the following subsection:—

"(3) Where any notice served, resolution passed or other action taken by or with respect to a street works authority requires the registration of any matter in accordance with subsection (1) of this section, the street works authority shall, within one week of the service of the notice, passing of the resolution, or taking of the action, notify the district council."

73. In section 204(1), the words from "situated" to "of this Act" shall be omitted.

74.—(1) In section 206, in subsections (2), (4)(b) and (5), for the word "appropriate" there shall be substituted the word "county".

(2) In subsection (9) of that section, the definition of "appropriate council" and the word "borough" in the last two places where it occurs shall be omitted.

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75. In section 211(1), in paragraph (a), the words "or section one hundred and ninety" and the final word "or", paragraph (b) and the words "as to the due execution of the works and" and "or the works were executed" shall be omitted, and for the word "thereon" there shall be substituted the words "on private street works".

76.—(1) In section 213, in subsection (2), in the definition of "street works authority" for the words following "means" there shall be substituted the following paragraphs :

"(a) as respects a street outside Greater London, the council of the county in which the street is situated ;

(b) as respects a street in a London borough, the council of the borough, and

(c) as respects a street in the City of London, the Common Council".

(2) In subsection (3) of that section for paragraphs (a) to (c) and the proviso there shall be substituted the words "is the code of 1892".

77. In section 214(7), paragraph (a) and in paragraph (b) the words "or county borough" shall be omitted.

78. In section 223(2), paragraph (a) and in paragraph (b) the words "or county borough" shall be omitted and in paragraph (aa) for the words "so specified" there shall be substituted the words "specified in that subsection".

79.—(1) In section 225, in subsection (1), after the words "this Act" where those words first occur, there shall be inserted the words "and where a county council have so acquired land by virtue of subsection (7)(b) of that section".

(2) In the proviso to subsection (2) of that section, after the words "local highway authority" there shall be inserted the words "(or a county council)".

80. At the end of section 226 there shall be added the following subsection :—

"(4) Notwithstanding anything in subsection (1) above, any such material as is referred to in that subsection which is removed from a highway by a district council in exercise of their powers under section 187(2) of the Local Government Act 1972 shall vest in the district council and not in the highway authority."

81. In section 227(1), for the words "county road, not being a claimed county road" there shall be substituted the words "road for which the council of a county are the highway authority"; for the word "was" there shall be substituted the word "is"; for the words "the county road" there shall be substituted the words "such a road"; and for the words from "the date on which" onwards there shall be substituted the words "1st April 1974 or, if the highway in question first becomes maintainable at the public expense after that date, the date on which it first becomes so maintainable".

82. In section 228, at the end of subsection (9), there shall be added the words "and section 187(2) of the Local Government Act 1972".

83. In section 235(4) for the words from "borough" onwards there shall be substituted the words "district in respect of any work done by them in a highway in exercise of the powers conferred on them by section 82 of this Act".

84. For section 237 there shall be substituted the following section:—

237. The council of a county may contribute towards the expenses incurred by the council of any district in the county in exercise of the powers conferred on district councils by section 82 of this Act.

Contributions by county councils to certain expenses of district councils.

85. For section 238 there shall be substituted the following section:—

238. A council may contribute towards any expenses incurred or to be incurred by a highway authority if, in the opinion of the council, the expenditure is or will be of benefit to the council's area.

Contributions by councils to expenses of highway authorities.

86. In section 252(1) for the words from the beginning to "may" there shall be substituted the words "A local authority or, if there is a local highway authority for either of the streets in question, that highway authority may" and for the words "their area" there shall be substituted the words "the area of the local authority".

87.—(1) In section 257(1) for the words from the beginning to "may" there shall be substituted the words "The council of a county or a council which is a local authority may" and for the word "authority", in each place where it subsequently occurs, there shall be substituted the word "council".

(2) In subsections (2), (3) and (4) of that section for the words "local authority", in each place where they occur, there shall be substituted the word "council".

88. In section 261, for the words "local authority" in each place where they occur, there shall be substituted the word "council".

89. In section 295, in subsection (1), in the definition beginning "code of 1875" for the words from the beginning to "by" there shall be substituted the words "'code of 1892' has the meaning assigned to it", and for the definition of "local authority" there shall be substituted the following definition:—

"local authority" means the council of a district or London borough or the Common Council.

90. In section 296(1), after the words "county road" in each place where they occur there shall be added the words "or a road for which a county council is the highway authority".

SCH. 21 91. In section 297 for the words from "county roads" to "shall" there shall be substituted the words "any highway shall" and the words "such roads or" shall be omitted.

1971 c. 41. 92. In Part I of Schedule 1, as set out in Schedule 13 to the Highways Act 1971, in paragraph (i) of the Table, the words "(other than the council of a county district)" and the words from "and, in the case" to the end of the paragraph shall be omitted.

93.—(1) In Schedule 9, in paragraph 1, for the words from "or by a county council" to "consult" there shall be substituted the words "he shall consult the councils of the county and district, or in Greater London".

(2) For paragraph 2 there shall be substituted the following paragraphs:—

"2. Before a line is prescribed by a county council, as highway authority, they shall consult the council of the district in which the street or highway in relation to which the line is to be prescribed is situated.

2A. Before a line is prescribed by the Greater London Council, they shall consult the council of the London borough in which is situated the street or highway in relation to which the line is to be prescribed, or, if that street or highway is in the City of London, they shall consult the Common Council".

(3) In paragraph 8 of that Schedule for the words "local authority" there shall be substituted the word "council".

94. In Schedule 12, in paragraph 1(e), for the words from "in, or partly in" onwards there shall be substituted the words "to the district council and, if the highway is in, or partly in, a parish or community which has a separate parish council or community council, to the parish or community council, as the case may require or, in the case of a parish which does not have a separate parish council, to the chairman of the parish meeting".

95.—(1) In Schedule 14, in Part I, for the words "code of 1892", in each place where they occur, there shall be substituted the words "advance payments code".

(2) In paragraph 1 of that Schedule, for the words from "a borough" to "borough or district" there shall be substituted the words "a parish or community or any part of a parish or community, the council of the county in which the parish or community is situated", and after the words "adopt that code" there shall be inserted the words "for the parish or community or, as the case may be, for that part".

(3) In paragraph 2 of that Schedule, for the words "the area of the council" there shall be substituted the words "the parish or community, or part of the parish or community specified in the resolution".

(4) In paragraph 3 of that Schedule, for the words "the area of the council", in each place where they occur, there shall be substituted

the words "the parish or community concerned or, as the case may be, the part of the parish or community concerned". SCH. 21

(5) Part II of that Schedule shall cease to have effect.

PART II

OTHER ENACTMENTS

96.—(1) In section 3 of the Trunk Roads Act 1936, subsection (1) shall be omitted. 1936 c. 5 (1 Edw. 8 & 1 Geo. 6).

(2) In subsection (2) of that section, the words from "and of the said functions" to the end of the subsection shall be omitted.

(3) In subsection (3) of that section, after the words "said Schedule" there shall be inserted the words "and that those functions shall not be exercisable by the local authority except with his consent".

97. At the end of section 57(3) of the National Parks and Access to the Countryside Act 1949 there shall be added the words "or by the council of the district in which the notice is placed or maintained". 1949 c. 97.

98.—(1) In section 1(4)(b) of the Public Utilities Street Works Act 1950 for the words "appropriate local authority" there shall be substituted the words "local highway authority". 1950 c. 39.

(2) In section 2(4)(b) of that Act, for the words "appropriate local authority" there shall be substituted the words "local highway authority".

(3) In section 21 of that Act—

(a) in subsection (1)(a) for the words from "Minister" to "urban district",

(b) in subsection (1)(b) for the words from "Minister" to "paragraph", and

(c) in subsection (3) for the words "Minister or the council", there shall be substituted the words "highway authority", and at the end of that section there shall be added the following subsection:—

"(4) In so far as any works carried out in a street by a district council by virtue of their powers under section 187(2) of the Local Government Act 1972 constitute a road alteration, the references in subsections (1)(a) and (3) of this section to the highway authority, and in the Table in Schedule 6 to this Act to the local highway authority, shall be construed, in relation to those works, as references to the district council."

(4) In section 39(1) of that Act for the definition "highway authority" there shall be substituted the following definition:—

"'highway authority' and 'local highway authority' have the same meanings as in the Highways Act 1959".

SCH. 21 (5) In Schedule 2 to that Act, in paragraphs 1 and 3 for the words "appropriate local authority" there shall be substituted the words "local highway authority".

(6) In the Table at the end of Schedule 6 to that Act, in paragraph (iii), for the word "council" there shall be substituted the words "local highway authority".

1961 c. 63. 99. In section 4 of the Highways (Miscellaneous Provisions) Act 1961, after subsection (2) there shall be added the following subsection:—

"(3) In relation to a highway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972, the district council shall have the like powers as the highway authority under subsection (1) of this section."

1968 c. 41. 100.—(1) In section 28 of the Countryside Act 1968, after subsection (4), there shall be inserted the following subsection:—

"(4A) In the case of a footpath or a bridleway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972—

(a) for any reference in subsection (2) and (3) above to the highway authority there shall be substituted a reference to the district council; and

(b) the reference in subsection (4) above to the highway authority shall be construed as including a reference to the district council."

(2) In section 29 of that Act, after subsection (7), there shall be inserted the following subsection:—

"(7A) In the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 187(2) of the Local Government Act 1972, the district council shall have the like powers as the highway authority under subsection (7) above."

Section 193.

SCHEDULE 22

AMENDMENTS OF ENACTMENTS RELATING TO HOUSING

PART I

1957 c. 56.

THE HOUSING ACT 1957

1. In section 1(1) (local authorities for purposes of the Act) for the words "borough, urban district or rural district" there shall be substituted the words "district or London borough".

2. In section 5 (prohibition of back-to-back houses) for the word "borough" in each place where it occurs there shall be substituted the words "London borough".

3. Section 86 (duty of medical officers to furnish particulars of overcrowding) shall be omitted.

4.—(1) In section 108, in subsection (1) (execution of certain works by local authority outside their area) the words “subject to the approval of the Minister” shall be omitted and for the word “borough” there shall be substituted the words “London borough”.

(2) Subsection (2) of that section shall be omitted.

5.—(1) In section 109 (responsibility for roads constructed by local authority outside their area) in subsection (1) for the words from “subject to” to the end of the subsection there shall be substituted the words “vest in the council which is the local highway authority for the area in which the operations were carried out, unless that council are satisfied that the streets or roads have not been properly constructed”.

(2) Subsections (2) and (3) of that section shall be omitted.

6. Section 115 (power to establish Housing Management Commissions) shall cease to have effect.

7. Sections 116 to 118 (special provisions for rural districts) shall cease to have effect.

8. Section 135(1) (expenses of rural district councils) shall cease to have effect.

9. In section 141 (subscriptions of local authorities to local savings committees) the words “subject to the approval of the Minister” shall be omitted.

10. Section 145 (building bye-laws not to apply to certain buildings constructed in accordance with plans and specifications approved by Secretary of State or Minister of Agriculture, Fisheries and Food) shall cease to have effect.

11. Section 147 (power of Secretary of State to prescribe a code of byelaws for new streets) shall cease to have effect.

12. Section 148 (power of Secretary of State to revoke unreasonable byelaws) shall cease to have effect.

13. Section 156 (references by local authority to public health and housing committee) shall cease to have effect.

14.—(1) In section 157 (official representations) in subsection (2) for the words “acting for the district” there shall be substituted the words “having jurisdiction in any part of the area” and for the words from “in the case” to “parish within that area” there shall be substituted the words “any parish or community council for a parish or community within the local authority’s area”.

(2) In subsection (4) of that section the words from “and includes also” to the end of the subsection shall be omitted.

15. In section 160 (penalty for obstructing execution of Act) the words “the medical officer of health or” shall be omitted.

16. In section 161(b) (penalty for preventing execution of repairs) the words “the medical officer of health or” and “of that officer or” shall be omitted.

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17. In section 166 (authentication of orders, notices etc.) for the words "their clerk or his lawful deputy", in each place where they occur, there shall be substituted the words "the proper officer of the local authority".

18. Sections 171 to 176 (powers available in the event of default by local authorities) shall cease to have effect.

19. Section 181(2) (Secretary of State may require report from local authority on population and other matters) shall cease to have effect.

20. In section 189(2) (construction of references to "local authority") for the words "borough, urban district or rural district" there shall be substituted the words "district or London borough".

PART II

OTHER ENACTMENTS

199 c. 44.

21. In section 9 of the Small Dwellings Acquisition Act 1899 (definition of local authority), in subsection (1), for the words from "county borough", in the first place where they occur, to the end of the subsection there shall be substituted the word "district", and subsections (2) to (4) and (8) of that section shall be omitted.

1914 c. 31.

22. In section 1(2) of the Housing Act 1914 (assistance to authorised societies by local authorities) for the word "borough", in each place where it occurs, there shall be substituted the words "district or London borough".

1965 c. 16.

23. In section 23(1) of the Airports Authority Act 1965 (interpretation) in the definition of "local authority", the words "county, county borough" shall be omitted.

1969 c. 33.

24. In each of sections 26, 39 and 74(7) of the Housing Act 1969 (definitions of "local authority" for various purposes) for the words "boroughs, urban districts and rural districts" there shall be substituted the words "districts and London boroughs".

Section 195.

SCHEDULE 23

AMENDMENTS OF ENACTMENTS CONFERRING SOCIAL SERVICES FUNCTIONS

1946 c. 81.

1.—(1) In section 22 of the National Health Service Act 1946, in subsection (1), for the words from the beginning to "to" there shall be substituted the words "A local social services authority may, with the approval of the Secretary of State, and to such extent as he may direct shall" and in subsection (2) of that section for the words "local health authority" there shall be substituted the words "local social services authority".

(2) In sections 57, 58(2), 63, 65 and 71 of that Act, for the words "local health authority", in each place where they occur, there shall be substituted the words "local social services authority".

(3) In section 79(1) of that Act, after the definition "local authority" there shall be inserted the following definition:—

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"local social services authority' means a council which is a local authority for the purposes of the Local Authority Social Services Act 1970."

2.—(1) In section 21 of the National Assistance Act 1948, in sub-section (1), for the words from the beginning to "to provide" there shall be substituted the words "Subject to and in accordance with the provisions of this Part of this Act, a local authority may with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for providing"; in subsection (2) of that section for the words "the exercise of their said duty" there shall be substituted the words "making any such arrangements"; subsection (3) of that section shall be omitted; and in subsection (4) of that section, for the words "said functions" there shall be substituted the words "functions under this section" and for the words "specified in the scheme" there shall be substituted the words "determined in accordance with the arrangements".

1948 c. 29.

(2) In section 24 of that Act, in subsections (1) and (2) for the word "liable" there shall be substituted the word "empowered"; in subsection (3) for the word "duty" there shall be substituted the word "power"; and in subsection (4) of that section for the word "scheme" there shall be substituted the word "arrangements".

(3) In section 26 of that Act, in subsection (1) for the words "a scheme under section twenty-one thereof may provide that" there shall be substituted the words "arrangements under section 21 thereof may include provision whereby" and in subsection (2) of that section for the words "such arrangements as aforesaid" there shall be substituted the words "arrangements made by virtue of subsection (1) of this section".

(4) In section 29 of that Act, in subsection (1), for the words "shall have power to" there shall be substituted the words "may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the area of the local authority shall"; and subsections (2) and (3) of that section shall be omitted.

(5) In section 30(1) of that Act, for the words "if the scheme under the last foregoing section so provides" there shall be substituted the words "in accordance with arrangements made under section 29 of this Act".

(6) In section 33(1) of that Act, for the words "the council of a county or county borough" there shall be substituted the words "a council which is a local authority for the purposes of the Local Authority Social Services Act 1970".

(7) In section 35(2) of that Act, the words from the beginning to "this Act", in the first place where those words occur, shall be omitted.

(8) In section 37(2) of that Act, for the words from "of the county" to "situated" there shall be substituted the words "which for the purposes of the Local Authority Social Services Act 1970 is the local authority for the area in which the home is situated".

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(9) In section 41(2) of that Act, in paragraph (a), for the words from "of counties" to the end of the paragraph there shall be substituted the words "which are registration authorities for the purposes of section 37 of this Act".

(10) In section 48 of that Act, in subsection (4), for the words "the council of the county, county borough or large burgh" there shall be substituted the words "the council which is the local authority for the purposes of the Local Authority Social Services Act 1970 and".

(11) In section 49 of that Act, for the words "the council of a county or county borough" there shall be substituted the words "any such council as is referred to in section 48(4) of this Act".

(12) In section 50(3) of that Act, for the words "The council of a county, county borough or large burgh" there shall be substituted the words "Any such council as is referred to in section 48(4) of this Act".

(13) In section 56 of that Act, for subsection (3) there shall be substituted the following subsection:—

"(3) Offences under this Act, other than offences under section 47(11) of this Act, may be prosecuted by any council which is a local authority for the purposes of the Local Authority Social Services Act 1970 and offences under section 47(11) of this Act may be prosecuted by the councils referred to in section 47(12) of this Act."

1948 c. 43.

3. In section 38(1) of the Children Act 1948, for the words "and county boroughs" there shall be substituted the words "other than metropolitan counties, of metropolitan districts and London boroughs and the Common Council of the City of London".

1948 c. 53.

4.—(1) In sections 1 to 7 and 11 of the Nurseries and Child-Minders Regulation Act 1948, for the words "the local health authority", in each place where they occur, there shall be substituted the words "the local social services authority".

(2) In section 13(2) of that Act, after the definition of "hospital" there shall be inserted the following definition:—

"'local social services authority' means a council which is a local authority for the purposes of the Local Authority Social Services Act 1970".

1949 c. 93.

5. In section 25(1) of the National Health Service (Amendment) Act 1949 as substituted, in its application to England and Wales, by the Mental Health Act 1959, for the words "local health authority" there shall be substituted the words "council which is the local authority for the purposes of the Local Authority Social Services Act 1970".

1959 c. 72.

1958 c. 33.

6.—(1) In section 3 of the Disabled Persons (Employment) Act 1958, in subsection (1), for the words "shall have power under this section to" there shall be substituted the words "may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the authority's area

shall" and the words from "and in relation to" to the end of the subsection shall be omitted; in subsection (3) of that section the words from the beginning to "made thereunder" shall be omitted; and in subsection (5) of that section for the words "or of a county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district or London borough or the Common Council of the City of London".

(2) In the Schedule, in paragraph 1(1)(c), for the words "thirty-two and thirty-four" there shall be substituted the words "and 32" and in paragraph 1(2) the words "thirty-four" shall be omitted.

7. In section 17 of the Children Act 1958, in the definition of "local authority", for the words "or county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district or London borough or the Common Council of the City of London". 1958 c. 65.

8. In section 28(1) of the Adoption Act 1958, for the words "and county boroughs" there shall be substituted the words "other than metropolitan counties, of metropolitan districts and London boroughs and the Common Council of the City of London". 1958 c. 5. (7 & 8 Eliz. 2.)

9.—(1) In the Mental Health Act 1959, in sections 8(1), 35, 56(2)(c) and 56(3) for the words "local health authorities" there shall be substituted the words "local social services authorities". 1959 c. 72.

(2) In sections 10(1), 22, 27(2), 33, 34, 38(3), 40 to 43, 47(2), 52, 53, 59, 60, 131, 132 and 142 of that Act for the words "local health authority" there shall be substituted the words "local social services authority".

(3) In section 9 of that Act, in subsection (1), for the words from the beginning to "authority)" there shall be substituted the words "A local social services authority" and the words "as local health authority" shall be omitted; for subsection (2) of that section there shall be substituted the following subsection:—

"(2) Where any such child as is referred to in subsection (1) of this section is accommodated as mentioned in that subsection by a local social services authority; the authority may make such adjustments of their accounts as they consider appropriate";

and in subsection (3) of that section for the words "children authority", in the first place where they occur, and for the words "local health authority" there shall be substituted the words "local social services authority" and the words "as a children authority" shall be omitted.

(4) In section 59(1) of that Act, in paragraph (b) of the definition of "the responsible medical officer" for the words from "medical officer of health" to "by that authority" there shall be substituted the words "medical officer authorised by the local social services authority".

(5) In section 135 of that Act, in subsection (6), for the words "local authority" there shall be substituted the words "local social services authority" and after the words "Act, 1948" there shall be inserted the words "or under Part I of the Health Services and Public Health Act 1968".

- SCH. 23 (6) In section 147(1) of that Act, for the definition of "local health authority" there shall be substituted the following definition:—
 " 'local social services authority' means a council which is a local authority for the purpose of the Local Authority Social Services Act 1970 ".
- 1960 c. 48. 10.—(1) In section 2(1) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960, in paragraph (e), for the words "council of the county or county borough" there shall be substituted the words "local social services authority for the area", and in paragraph (f) for the words "the council of a county or county borough" there shall be substituted the words "a local social services authority".
 (2) In section 16(1) of that Act, after the definition of "interim order" there shall be inserted the following definition:—
 " 'local social services authority' means the council of a non-metropolitan county or a metropolitan district or London borough, or the Common Council of the City of London ".
- 1960 c. 61. 11. In section 10(1) of the Mental Health (Scotland) Act 1960, in paragraph (b), after the word "or", in the first place where it occurs, there shall be inserted the words "of a local social services authority", and at the end of paragraph (c) there shall be added the words "or local social services authority".
- 1962 c. 33. 12. In section 5(1)(c) of the Health Visiting and Social Work (Training) Act 1962, for the words "local health authority" there shall be substituted the word "council", after the word "Wales" there shall be inserted the words "which is a local authority for the purposes of the Local Authority Social Services Act 1970" and for the words "local health authorities" there shall be substituted the words "such authorities".
- 1965 c. 72. 13.—(1) In section 36(1) of the Matrimonial Causes Act 1965, for the words "county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district".
 (2) In section 37(2) of that Act, for the words "county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district".
- 1966 c. 20. 14. In Schedule 4 to the Ministry of Social Security Act 1966, in paragraph 2(2), for the words "county boroughs" there shall be substituted the words "other than metropolitan counties, and of metropolitan districts".
- 1968 c. 46. 15.—(1) In section 12 of the Health Services and Public Health Act 1968, for the words "local health authority", in each place where they occur, there shall be substituted the words "local social services authority" and after subsection (7) of that section there shall be inserted the following subsection:—
 "(7A) In this section and in section 13 below "local social services authority" means the council of a non-metropolitan county, or of a metropolitan district or London borough, or the Common Council of the City of London".

(2) In section 13 of that Act, for the words "local health authority", in each place where they occur, there shall be substituted the words "local social services authority".

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(3) In section 45(11) of that Act, for the words "county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district".

(4) In section 65(3)(a) of that Act, for the words "county borough" there shall be substituted the words "other than a metropolitan county, or of a metropolitan district".

16. In section 70(1) of the Children and Young Persons Act 1969, 1969 c. 54. in the definition of "local authority", for the words "means the council of a county, county borough" there shall be substituted the words "except in relation to proceedings under section 1 of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a metropolitan district".

SCHEDULE 24

Section 202.

AMENDMENTS OF TRANSPORT ACT 1968, PART II

1968 c. 73.

PART I

AMENDMENTS OF GENERAL APPLICATION

1. In section 9(1)(a) (constitution of Passenger Transport Authorities) sub-paragraph (ii) (persons appointed by the Secretary of State) shall cease to have effect.

2. In section 11 (financial duty of Passenger Transport Executives) after subsection (3) there shall be inserted the following subsection:—

"(3A) Without prejudice to any power of the Executive to establish specific reserves, the Executive may establish and maintain a general reserve, and the Authority may give to the Executive directions as to any matter relating to the establishment or management of any such general reserve and the carrying of sums to the credit thereof, or the application thereof; but no part of the moneys comprised in such a general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs."

3. In section 14(1)(b) (duty of Executive to prepare statement of accounts in such form as the Secretary of State directs) for the word "Minister" there shall be substituted the word "Authority".

4. After section 15 there shall be inserted the following section:—

"Additional provisions as to control of Executive by Authority. 15A.—(1) In addition to any power of the Authority under any other provision of this Part of this Act to give directions to the Executive as respects any matter, the Authority may give to the Executive directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters appearing to the Authority to affect the carrying out by the Authority or the Executive of their respective duties under section 9(3) of this Act.

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(2) The Executive shall provide the Authority at such time or intervals and in such form and manner as the Authority may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive and shall furnish the Authority with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Authority may from time to time require.

(3) The Authority may from time to time cause a review to be made of the organisation of the Executive's undertaking and may give to the Executive such directions as appear to the Authority from any such review to be requisite to secure that the Executive's undertaking is organised in the most efficient manner; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Authority under this subsection, or with the approval of the Authority."

5. In section 15(1) (Executive to submit certain proposals and estimates for the approval of the Authority) for paragraphs (b) and (c) there shall be substituted the following paragraphs:—

"(b) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Authority may require to be submitted to the Authority, and any major change proposed to be made in any of those estimates after their approval by the Authority;

(c) any proposal for expenditure by the Executive or any subsidiary of theirs, or by any other person in pursuance of arrangements with the Executive, which involves a substantial outlay on capital account".

6. In section 16(1) (annual report prepared jointly by Authority and Executive to be published in such manner as the Secretary of State directs) for the words "as the Minister may direct" there shall be substituted the words "as the Authority consider appropriate".

7. In section 23 (directions given by the Secretary of State) in subsections (2) and (3) after the word "Minister" there shall be inserted the words "or an Authority for a designated area".

8. In Part I of Schedule 5 (constitution of Passenger Transport Authorities) so much of paragraph 1 as requires the approval of the Secretary of State to the appointment of the chairman of an Authority shall cease to have effect.

PART II

MODIFICATIONS OF PART II IN ITS APPLICATION TO A PASSENGER
TRANSPORT AREA WHICH IS COTERMINOUS WITH A COUNTY

9. Except as provided by the following provisions of this Part of this Schedule, references in sections 9 to 16 to the councils of constituent areas or to each of those councils shall be construed as references to the council of the county concerned.

10.—(1) In section 9, in subsection (1), paragraph (a) shall be omitted and the Passenger Transport Authority shall be the county council.

(2) In subsection (2) of that section for the words “every such local authority as aforesaid” and paragraphs (a) and (b) there shall be substituted the words “the county council and the councils of each of the districts comprised in the county”.

(3) In subsection (4) of that section, the reference to Part I of Schedule 5 shall be disregarded.

(4) In subsection (5) of that section for the words “constituent areas” there shall be substituted the words “districts within the designated area”.

11. In section 11, subsection (5) shall be omitted.

12. For section 13 there shall be substituted the following section:—

“Power of county council to make grants. 13.—(1) Without prejudice to any other power of the county council who are the Authority to make grants for transport purposes, the county council shall have power to make grants to the Executive for any purpose.

(2) Any expenditure incurred by a county council in making grants under this section shall not be relevant expenditure of the council for the purposes of section 1 of the Local Government Act 1966.

(3) The county council shall from time to time by notice in writing to the Executive specify the amount of the grants which the council propose to make to the Executive in respect of expenditure incurred during any accounting period.”

13. In section 14(3), after the word “Minister” there shall be inserted the word “and” and the words “and to each of the councils of constituent areas” shall be omitted.

14.—(1) In section 15, in subsection (2), for the words from “to be raised” to “of this Act” there shall be substituted the words “of the grants which will be needed to enable the Executive to comply with their obligation under section 11(1) of this Act”.

(2) In subsection (3) of that section, for the words “to issue a precept” there shall be substituted the words “to make a grant”.

15.—(1) In section 17, for the words “councils of constituent areas,” in each place where they occur, there shall be substituted the words “councils of the districts in the designated area”.

(2) In subsection (4) of that section, after the words “consult with” there shall be inserted the words “the county council for the designated area and”.

16.—(1) In section 18, in subsection (1), in paragraph (b) for the words “councils of the constituent areas” there shall be substituted the words “county council for the designated area and of the councils

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of the districts in that area"; in paragraph (j)(ii) for the words "councils of constituent areas" there shall be substituted the words "councils referred to in paragraph (b) above", and in the words following paragraph (j), for the words "each of the councils of constituent areas" there shall be substituted the words "the council of each district in the designated area".

(2) In subsection (2) of that section for the words "each of the councils of constituent areas" there shall be substituted the words "the council of each district in the designated area".

17.—(1) In Schedule 5, Part I shall be omitted.

(2) In Part II of that Schedule, in paragraph 1, for the words "establishment of that Authority" there shall be substituted the words "area has been designated", and in paragraph 2, for the words "any of the councils of constituent areas", in each place where they occur, there shall be substituted the words "the county council for the designated area."

(3) In Part III of that Schedule, in paragraph 1, for the words "dates on which the Authority and Executive respectively are", there shall be substituted the words "date on which the Executive is"; and there shall be omitted from the remainder of that Part of that Schedule—

- (a) paragraphs 2, 3(a), 4, 5, 10, 12, 16 and 17;
- (b) in paragraphs 6, 7 and 9 the words "the Authority and" and "respectively", in each place where they occur;
- (c) in paragraph 8 the words "the Authority or" and "the Chairman of the Authority or, as the case may be";
- (d) in paragraph 11, the words "the Authority or" in sub-paragraph (a) and "the Authority" in sub-paragraph (b); and
- (e) in paragraph 13, the words "the Authority or", in both places where they occur, and "the Authority" where those words last occur.

Section 204.

SCHEDULE 25

AMENDMENTS OF LICENSING ENACTMENTS

PART I

1964 c. 26.

AMENDMENTS OF LICENSING ACT 1964

1. For subsection (1) of section 2 there shall be substituted the following subsection:

"(1) The licensing districts for the purposes of this Act shall be the petty sessions areas, within the meaning of the Magistrates Courts Act 1952".

2. In section 16(1), in paragraph (c), for the words from "of" onwards there shall be substituted the words "of the justices for the county which includes that licensing district appointed by the

licensing justices for each licensing district in the county, in accordance with arrangements made, in the case of a metropolitan county, by the Secretary of State and, in the case of a non-metropolitan county, by the magistrates' courts committee for the county or for an area which includes the county.

3.—(1) In section 66, for the words "county or county borough", in each place where they occur, there shall be substituted the word "district".

(2) In subsection (4)(b) of that section, for the words "clerk of the county council or town clerk of the county borough" there shall be substituted the words "proper officer of the district council" and for the word "1968" there shall be substituted the word "1975".

(3) In subsection (7) of that section, for the words "clerk of the county council or town clerk" there shall be substituted the words "proper officer of the district council".

4.—(1) In section 67, for the words "county or county borough", in each place where they occur, there shall be substituted the word "district".

(2) In subsection (3) of that section for the words "chairman of the county council or mayor" there shall be substituted the words "chairman of the district council" and for the words "clerk of the county council or town clerk" there shall be substituted the words "proper officer of the district council".

5. In section 180(1)(a) for the words "county or county borough" there shall be substituted the words "district or part thereof".

6. In Schedule 2, for paragraphs (a) to (c) of paragraph 5 there shall be substituted the following paragraphs:—

- "(a) if the premises to be licensed are outside Greater London, to the proper officer of the district council, and
- (b) if the premises to be licensed are in a parish, to the proper officer of the parish council or, where there is no parish council, to the chairman of the parish meeting; and
- (c) if the premises are in a community where there is a community council, to the proper officer of that council."

7.—(1) In Schedule 3, in paragraphs 1 to 4, for the words "magistrates' courts committee for a county", in each place where they occur, there shall be substituted the words "appropriate magistrates court committee, as defined in section 16(1) of this Act".

(2) In paragraphs 5 to 8 of that Schedule, for the words "a borough compensation committee" there shall be substituted the words "the compensation committee for the City of London".

(3) In paragraphs 6 and 7 of that Schedule, for the word "borough", in the last place where it occurs in each paragraph, there shall be substituted the word "City".

(4) In paragraph 10 of that Schedule for the word "borough", in the first place where it occurs, there shall be substituted the word

SCH. 25 "City" and for the words "borough compensation committee" there shall be substituted the words "compensation committee for the City of London".

(5) Paragraph 11 of that Schedule shall be omitted.

8.—(1) For paragraphs 1 to 3 of Schedule 8 there shall be substituted the following paragraphs:—

"1. Subject to paragraph 3 below, the rules made by the Secretary of State under section 42 of the Local Government Act 1972 for the conduct of elections of councillors for local government areas shall have effect in their application to polls under section 66 of this Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

2. Subsections (1) and (3) of section 243 of the Local Government Act 1972 shall apply to the day fixed for the poll under section 66 of this Act as they have effect by virtue of paragraph 1 above and to the day or last day on which anything is required or permitted to be done by this Schedule as they apply to the day or the last day on which anything is required or permitted to be done by any provision to which the said subsection (1) applies, and references in subsections (4) and (5) of that section to any rules mentioned in subsection (2) of that section shall be construed as including references to any such rules as they have effect by virtue of paragraph 1 above.

3. The adaptations and alterations made by the Secretary of State under paragraph 1 above shall provide for the use, subject to any variations which in the circumstances appear to the Secretary of State to be appropriate, of the forms B to E in the Appendix to this Schedule, or of forms substantially to the like effect, in place of any corresponding forms required by the rules referred to in paragraph 1 above."

(2) Paragraph 4 of that Schedule shall be omitted.

(3) In paragraph 6 of that Schedule, for the word "county", in each place where it occurs (except in passages omitted by the following provision of this sub-paragraph) there shall be substituted the word "district"; in sub-paragraph (1) of that paragraph the words "In a county", the words "and in a county borough divided into wards the mayor", the words "or county borough", in the first two places where they occur, and the words from "except that" to the end of the sub-paragraph shall be omitted; in sub-paragraph (2) the words "or county borough" and the words "or mayor", in both places where they occur, shall be omitted; and in sub-paragraph (3) the words "or mayor" and "or county borough" shall be omitted.

(4) In paragraph 7, for the word "county", in each place where it occurs (except in the expression "county borough") there shall be substituted the word "district" and the following words, in each place where they occur, shall be omitted, namely "or county borough", "or mayor" and "or borough".

9.—(1) In the Appendix to Schedule 8 to that Act, in forms A to C and E for the words “[county of] [county borough of]” there shall be substituted the words “[district of]” and, in form A, for the words “county [borough]” there shall be substituted the word “district”.

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(2) In Form D in that Appendix, the words “[electoral division of the county of] [county borough of]”, in each place where they occur, shall be omitted and, subject to those omissions, for the words “county borough” or “county [borough]”, in each place where they occur, there shall be substituted the word “district”.

PART II

APPEALS IN RESPECT OF LICENCES UNDER THE HOME COUNTIES (MUSIC AND DANCING) LICENSING ACT 1926 1926 c. 31.

10.—(1) Any person—

- (a) whose application for the grant, including a grant by way of renewal or for the transfer of a licence is refused, or
- (b) whose licence is revoked under section 3(11) of the 1926 Act, or
- (c) who is aggrieved by any term, condition or restriction to which the licence is subject, other than a term, condition or restriction having effect by virtue of regulations under section 3(3) of the 1926 Act,

may, at any time before the expiry of the period of twenty-one days beginning with the relevant date, appeal to the Crown Court.

(2) In sub-paragraph (1) above, “the relevant date” means—

- (a) in a case falling within paragraph (a) or (b) of that sub-paragraph, the date on which the applicant or holder of the licence, as the case may be, is notified by the district council concerned of the refusal or revocation, and
- (b) in a case falling within paragraph (c) of that sub-paragraph, the date on which the term, condition or restriction concerned becomes operative.

11. On an appeal under paragraph 10 above the Crown Court may make such order as it thinks fit and, where appropriate, may by the order give directions to the district council concerned with respect to the exercise of their powers under the 1926 Act.

12. Notwithstanding anything in section 3 of the 1926 Act, where the grant of a licence by way of renewal is refused or a licence is revoked under subsection (11) of that section, the licence shall nevertheless continue in force—

- (a) during the period within which an appeal may be brought under paragraph 10 above, and if such an appeal is brought within that period, until the determination or abandonment of the appeal; and
- (b) in the case of a successful appeal against the refusal of a grant by way of renewal until the licence is renewed by the district council.

Section 214.

SCHEDULE 26

CEMETERIES AND CREMATORIA

Discharge of functions of burial authorities

1. In relation to a cemetery or crematorium maintained immediately before 1st April 1974 by a burial board, joint burial board or committee which ceases to exist by virtue of section 214 above the functions conferred by the said section 214 and this Schedule shall, subject to the provisions of any order made under section 254 above, be exercised on and after that date by whichever of the following burial authorities is relevant:—

- (a) where the area of the board or committee becomes wholly comprised on that date in a parish or community having a parish or community council, whether separate or common, that council ;
- (b) where that area becomes comprised in two or more such parishes or communities, the councils of those parishes or communities, acting jointly ;
- (c) where that area becomes wholly comprised in a parish not having a parish council, the parish meeting of the parish ;
- (d) where that area becomes wholly comprised in two or more parishes not having parish councils, the parish meetings for those parishes acting jointly ;
- (e) where that area becomes wholly comprised in two or more parishes of which one or more have, and one or more have not, parish councils, the parish council or councils and the parish meeting or meetings of the parish or parishes not having parish councils, acting jointly ;
- (f) where that area becomes wholly comprised in a community not having a community council or in two or more such communities, the council of the district in which that community or those communities become comprised or, where they become comprised in different districts, the councils of those districts acting jointly ;
- (g) where that area becomes wholly comprised in two or more communities of which one or more have, and one or more have not, community councils, the community council or councils and the council or councils of the district or districts in which the community or communities not having community councils become comprised, acting jointly ;
- (h) in the case of an area in England none of which becomes comprised in a parish, the council of the district in which it becomes comprised or, where it becomes comprised in two or more districts, the councils of those districts acting jointly ;
- (i) where that area becomes comprised partly in a parish or parishes and partly in an area which is not a parish, the parish council or councils or parish meeting or meetings, as the case may be, of that parish or those parishes and the council or councils of the district or districts in which it becomes comprised, acting jointly.

2. Where by virtue of paragraph 1 above the functions conferred by section 214 above and this Schedule become exercisable by two or more burial authorities, then, unless a joint board is established under section 6 of the Public Health Act 1936 to exercise those functions, it shall be their duty to make arrangements under Part VI of this Act for the discharge of those functions by a joint committee of those authorities.

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1936 c. 49

3. Section 6 of the Public Health Act 1936 (establishment of joint boards to perform the functions of local authorities under the Public Health Acts) shall have effect as if the provisions of the Cremation Acts 1902 and 1952, section 214 above and this Schedule were part of that Act and as if the reference to local authorities and their districts—

- (a) so far as those sections relate to functions with respect to cemeteries, included references to burial authorities and their areas ; and
- (b) so far as those sections relate to functions with respect to crematoria, included references to burial authorities, other than parish meetings, and the areas of such authorities.

4. Where in pursuance of paragraph 2 above two or more burial authorities make arrangements under Part VI of this Act for the discharge of their functions by a joint committee, and if any of those authorities wish, and one or more of the others do not wish, to alter the arrangements, the arrangements may be changed or ended—

- (a) where those authorities are the councils of parishes or communities or groups of parishes or communities situated in the same district, by the council of that district ;
- (b) in any other case, by the Secretary of State.

5. In the following provisions of this Act, that is to say, sections 101 to 106, 111, 112, 124, 125, 139 and Part I of Schedule 13 so far as they relate to functions conferred by section 214 above and this Schedule, any reference to a local authority or a parish council shall include a reference to a parish meeting or, as may be appropriate, the parish trustees of a parish, and section 109 above shall not apply to those functions.

6. Notwithstanding anything in section 150 above, a parish or community council or parish meeting may by resolution declare any expenses incurred by them in the discharge of functions under section 214 above and this Schedule to be chargeable only on such part of their area as may be specified in the resolution, and any such resolution may be varied or revoked by a subsequent resolution of the council or meeting, as the case may be.

7. If the constituent local authorities of a joint committee of burial authorities are unable to purchase by agreement and on reasonable terms suitable land for the purpose of enabling the committee to exercise their powers under section 214 above and none of those authorities is a district council, the committee may

SCH. 26 represent the case to the council of the district in which their area or any part of it is situated, and thereupon section 125 above shall apply as if the committee were a parish or community council and their area were a parish or community.

8. The district council in making and the Secretary of State in confirming an order under that section as applied by paragraph 7 above shall take account of the needs of the whole area of the committee even if it is partly outside the district.

9. Land acquired in pursuance of paragraph 7 above shall be conveyed to one or more of, or of the bodies qualified to hold land on behalf of, the constituent local authorities.

Provision and management of cemeteries

1936 c. 49.

10. Sections 15 and 16 of the Public Health Act 1936 shall apply to the carrying out of works by the council of a district or London borough or the Common Council outside their respective areas for the purpose of a cemetery or crematorium as they apply to the construction of sewage disposal works by such a council outside their area.

11.—(1) Subject to the provisions of any order made under section 214(3) above, the council of a district or London borough and the Common Council may make byelaws with respect to the management of any cemeteries provided by them and a parish or community council or parish meeting may adopt for any cemetery provided by them any byelaws made under this paragraph by the district council and duly confirmed.

(2) The confirming authority in relation to byelaws made under this paragraph shall be the Secretary of State.

12. A burial authority may charge such fees as they think proper for or in connection with burials in a cemetery owned by them and in determining the fees to be charged shall take into account the effect of any resolution under section 147(3) or paragraph 6 above.

13. A burial authority shall keep a table showing the matters in respect of which fees or other charges are payable to them and the amount of each fee or charge, and the table shall be available for inspection by the public at all reasonable times.

1847 c. 65.

14. Until the first order under section 214(3) above takes effect, the Cemeteries Clauses Act 1847, except sections 15, 25, 27, 28, 30 to 35, 60, 66 and 67, shall be incorporated with this Act, but—

(a) when the first order under that subsection takes effect, the said Act of 1847 shall cease to apply to cemeteries provided by local authorities, and

(b) section 10 of that Act (cemeteries not to be within a certain distance of houses) shall cease to have effect on 1st April 1974.

Saving, amendments and modifications of enactments

1853 c. 134.

15. Section 214(1) above shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section

1 of the Burial Act 1855 with respect to the discontinuance of burials ; and—

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1855 c. 128.

(a) the power to make such an Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Secretary of State) be exercisable in relation to all cemeteries provided under section 214 above or in Greater London provided otherwise ; and

(b) section 51 of the Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this paragraph as it applies to burial grounds in which interments are discontinued under that Act ;

1852 c. 85.

but nothing in any such Order shall prevent the interment of the body of any person in the Cathedral Church of St. Paul, London, or in the Collegiate Church of St. Peter, Westminster, if Her Majesty signifies Her approval that the body be so interred.

16. In section 1 of the Burial Act 1859, for the word “ churchwardens ”, in the first place where it occurs, there shall be substituted the words “ burial authority ”, for the words from “ churchwardens ” in the second place where it occurs to “ situate ” there shall be substituted the words “ council of the district or London borough or the Common Council of the City of London, as the case may be ” and for the word “ churchwardens ”, wherever it subsequently occurs, there shall be substituted the word “ Council ”.

1859 c. 1 (22
Vict.).

17. In Part III of Schedule 5 to the Public Health Act 1875, the paragraph relating to section 83 of the Act 11 and 12 Vict. c. 63 shall in Greater London apply only within the outer London boroughs and shall outside Greater London apply to, and only to, a church or other place of public worship—

1875 c. 55.

(a) to which it applies immediately before 1st April 1974 or would have so applied if the building had then been completed ; or

(b) the building of which begins on or after that date.

18. It shall not be necessary for a burial authority to obtain the approval of the Secretary of State under section 1 of the Burial Act 1900 for the consecration of any portion of a burial ground.

1900 c. 15.

19. Section 2(3) of the Burial Act 1900 shall cease to have effect.

20. It shall not be necessary for a burial authority to obtain the leave of the Secretary of State under section 6 of the Burial Act 1900 to apply to any other purpose unconsecrated ground maintained by them and set apart for the purposes of burial, and accordingly that section shall cease to have effect.

21. For section 7 of the Burial Act 1900 there shall be substituted the following section :—

“ Rites of the Church of England 7.—(1) The incumbent of an ecclesiastical parish situated wholly or partly in an area chargeable with the expenses of a cemetery shall, with respect to his own parishioners and to persons dying in his parish, be under

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- the same obligation to perform funeral services in the consecrated part, if any, of the cemetery as he has to perform funeral services in any churchyard of the ecclesiastical parish.
- 1880 c. 41. (2) For the purpose of the Burial Laws Amendment Act 1880 (burial without rites of the Church of England) the consecrated part, if any, of a cemetery provided by a burial authority shall be regarded as a graveyard of a parish or ecclesiastical district or place if all or any part of the parish or ecclesiastical district or place is situated in the area chargeable with the expenses of the cemetery.
- (3) Burials in the consecrated part of a cemetery provided by a burial authority shall be registered in the same way and subject to the same provisions as burials in the unconsecrated part.
- 1914 c. 91. (4) This section does not apply to a cemetery in the area subject to the Welsh Church Act 1914".
- 1900 c. 15. 22. For section 9 of the Burial Act 1900 there shall be substituted the following section:—
- “Setting
apart of
cemetery
for particular
denomina-
tions
- 9.—(1) A burial authority may set apart for the use of a particular denomination or religious body any part of the cemetery which has not been consecrated, satisfying themselves, however, that a sufficient part of the cemetery remains unconsecrated and not so set apart.
- (2) Any part of a cemetery in the area subject to the Welsh Church Act 1914 which was consecrated before the end of March 1920 or in respect of which a ceremony of consecration has been performed since that time in accordance with the rites of the Church in Wales shall be treated for the purposes of this section as having been set apart for the use of that Church (and as not having been consecrated)".
- 1914 c. 91.
- 1900 c. 15. 23. For section 11 of the Burial Act 1900 there shall be substituted the following section:—
- “Interpre-
tation
11. In this Act ‘area subject to the Welsh Church Act 1914’ means the area in which the Church of England was disestablished by that Act”.
- 1902 c. 8. 24. It shall not be necessary for the Secretary of State to approve any table of fees as required by section 9 of the Cremation Act 1902, but any burial authority for the purposes of that Act shall keep such a table and it shall be available for inspection by the public at all reasonable times.
- 1970 c. 29. 25. A burial authority within the meaning of section 214 above shall also be a burial authority for the purposes of the Burial Act 1900 and the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.

SCHEDULE 27

Section 217.

AMENDMENTS OF ENACTMENTS RELATING TO JUSTICES

PART I

THE JUSTICES OF THE PEACE ACT 1949

1949 c. 101.

1. In subsection (5) of section 1, for the words "county palatine of Lancaster" there shall be substituted the words "counties of Greater Manchester, Merseyside and Lancashire".

2. In subsection (9) of section 4, for the words "county palatine of Lancaster" there shall be substituted the words "counties of Greater Manchester, Merseyside and Lancashire".

3. For subsection (5) of section 8 there shall be substituted the following subsection:—

"(5) In respect of duties as a justice in the Crown Court allowances under this section shall be paid by the Lord Chancellor, and in respect of other duties as a justice, allowances under this section shall be paid as follows:—

(a) any allowance to a justice for a non-metropolitan county in respect of his duties as such shall be paid by the county council; and

(b) any allowance to a justice for a metropolitan county in respect of his duties as such shall be paid by the council of the metropolitan district which is or includes the petty sessions area for which he acts."

4. For section 10 there shall be substituted the following section:—

"10.—(1) There shall be a separate commission of the peace for every county.

(2) For the purposes of this section, the Isles of Scilly shall be treated as part of the county of Cornwall."

5.—(1) In section 16, in subsection (1) for the word "counties" there shall be substituted the words "non-metropolitan counties and metropolitan districts".

(2) In subsection (2) of that section for the words from "county", in the first place where it occurs, to the end of the subsection there shall be substituted the words "non-metropolitan county and for each metropolitan district:

Provided that there may be a single magistrates' courts committee for an area (in this Act referred to as a 'joint committee area') consisting of two or more non-metropolitan counties, two or more metropolitan districts or one or more non-metropolitan counties and one or more metropolitan districts."

(3) Subsection (3) of that section shall be omitted.

(4) In subsection (5) of that section for the words from "the expression" to the end of the subsection there shall be substituted the words "the Isles of Scilly shall be treated as part of the county of Cornwall."

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6.—(1) In section 18, in subsection (1) for the word “county”, in each place where it occurs, there shall be substituted the words “non-metropolitan county or metropolitan district”.

(2) In subsection (2) of that section for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district, as the case may be”.

(3) In subsections (5) and (6) of that section for the words “county council” there shall be substituted the words “council of the non-metropolitan county or metropolitan district concerned”.

(4) In subsection (8) of that section for the word “county”, in each place where it occurs, there shall be substituted the words “non-metropolitan county or metropolitan district”.

(5) In paragraph (a) of subsection (9) of that section for the words from “borough”, in the first place where it occurs, to “rural district” there shall be substituted the words “outer London borough, metropolitan county or non-metropolitan district”.

(6) At the end of that section there shall be added the following subsection:—

“(11) In its application to the outer London areas this section shall have effect as if any reference to the council of a non-metropolitan county were a reference to the Greater London Council.”

7.—(1) In section 19, in subsections (8)(c) and (9) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”.

(2) Subsection (10) of that section shall be omitted.

8. In section 20, subsection (6) shall be omitted.

9.—(1) In section 25, in subsection (1) for the words from “county and of each” to “peace” there shall be substituted the words “non-metropolitan county and of each metropolitan district”, the words “or borough”, where they first occur, shall be omitted and for the words “county or borough”, where they last occur, there shall be substituted the words “non-metropolitan county or metropolitan district”.

(2) In subsection (2) of that section for the words from “county and of each” to “peace” there shall be substituted the words “non-metropolitan county and of each metropolitan district”; in paragraph (b) of that subsection for the words “county or borough” there shall be substituted the words “non-metropolitan county or metropolitan district” and in paragraph (c) of that subsection for the words “or borough justices out of sessions” there shall be substituted the word “justices”.

10.—(1) In section 27, in subsection (1) the words from “and any enactment” to “have effect” shall be omitted.

(2) In subsection (2) of that section for the words “responsible authorities other than county and borough councils, their” there shall be substituted the words “the receiver of the metropolitan police, his”.

(3) Subsection (8) of that section shall be omitted.

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(4) In subsection (10)(d) of that section for the words from "county" to "peace" there shall be substituted the words "non-metropolitan county or metropolitan district and".

11.—(1) In section 29, in subsection (1) for paragraphs (a) and (b) there shall be substituted the following paragraphs:—

"(a) a metropolitan district ;

(b) the whole or part of a non-metropolitan county".

(2) In subsection (2) of that section the words from "and for any borough" to "peace" shall be omitted.

(3) In subsection (4) of that section for paragraphs (a) to (c) there shall be substituted the following paragraphs:—

"(a) shall be made for a metropolitan district or a non-metropolitan county except on a petition presented to the Secretary of State by the council of the metropolitan district or non-metropolitan county ; or

(b) shall be made for a joint district except on a joint petition presented to the Secretary of State by the councils who might present separate petitions under paragraph (a) above for the several parts of the joint district".

(4) In subsection (7) of that section for the words "a county council" there shall be substituted the words "the council of a non-metropolitan county" and after the words "other councils)" there shall be inserted the words "and the appointment extends to part only of the county".

12. In section 42(3) for the words "county or borough" there shall be substituted the words "non-metropolitan county or metropolitan district" and at the end there shall be added the words "or, if the regulations so provide, by the Greater London Council".

13. In section 44(1), in the definition of "petty sessions area" for the words following "that is to say" there shall be substituted the words "a non-metropolitan county which is not divided into petty sessional divisions, a petty sessional division of a non-metropolitan county, a metropolitan district which is not divided into petty sessional divisions and a petty sessional division of a metropolitan district".

14.—(1) In Schedule 4, in paragraph 1(1) for the word "(2)" there shall be substituted "(2A)", for the word "borough", in the first place where it occurs, there shall be substituted the words "for the county comprising the metropolitan district" and the words "or borough", where they subsequently occur, shall be omitted.

(2) In sub-paragraph (2) of paragraph 1 of that Schedule, as originally enacted, for the word "division" there shall be substituted the word "district", and the sub-paragraph (2) of that paragraph inserted by Schedule 7 to the Courts Act 1971 shall be renumbered " (2A) ". 1971 c. 23.

(3) In paragraph 1(4) of that Schedule after the word "county", in each place where it occurs, there shall be inserted the words "or

SCH. 27 metropolitan district”, for the words “one magistrate”, in the first place where those words occur, there shall be substituted the words “such number of magistrates” and for the words from “and one magistrate” onwards there shall be substituted the words “as may be determined in accordance with regulations made by the Secretary of State under sub-paragraph (7) below”.

(4) In paragraph 1(5) of that Schedule for the word “county”, in the first place where it occurs, there shall be substituted the words “non-metropolitan county or metropolitan district”, the words “or for a borough” and “in the case of a county” shall be omitted and for the words “or borough” there shall be substituted the words “or, as the case may require acting for the district”.

(5) In paragraph 1(6) of that Schedule for the word “county”, in the first two places where it occurs, there shall be substituted the words “non-metropolitan county or metropolitan district”, the words “or a county borough” shall be omitted and for the words “or borough” there shall be substituted the words “or, as the case may require, acting for the district”.

(6) In paragraph 1(7) of that Schedule after the word “constitution” there shall be inserted the word “procedure” and at the end of that paragraph there shall be added the words “and any such regulations may also make provision with respect to the persons (other than the members, clerk and officers of the committee) who may be entitled to attend the meetings of a magistrates’ courts committee and the rights of such persons to make representations to the committee”.

(7) In paragraph 1(8) of that Schedule for the word “county”, in each place where it occurs, there shall be substituted the words “non-metropolitan county or metropolitan district”, and in paragraph (a) the words “or for a borough” and in paragraph (b) the words from “and of the boroughs” to “paragraph” and the words “or borough” and the words from “(the number” onwards shall be omitted.

(8) In paragraph 2(2) of that Schedule, for the words “county or county borough” there shall be substituted the words “non-metropolitan county or metropolitan district”.

(9) Paragraph 3 of that Schedule shall be omitted.

(10) In paragraph 9(2) of that Schedule for the words “borough or for a county” there shall be substituted the words “non-metropolitan county or metropolitan district”, the words “borough or” shall be omitted and after the word “justices” there shall be inserted the words “or, as the case may require, the clerk to the justices acting for that district”.

PART II

OTHER ENACTMENTS

1858 c. 73.

15. In section 1 of the Stipendiary Magistrates Act 1858 for the words “city, town, liberty, borough, place or district” there shall be substituted the words “non-metropolitan county or part thereof or for any metropolitan district or for any two or more such areas”.

16.—(1) In section 3 of the Magistrates' Courts Act 1952, in sub-
sections (1) and (3), for the words "local jurisdictions", in each
place where they occur, and for the word "jurisdictions", in each
place where it occurs, other than in the expression "local jurisdic-
tions", there shall be substituted the word "counties".

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1952 c. 55.

(2) In subsection (2) of that section, for the words "local jurisdic-
tion" there shall be substituted the word "county".

(3) Subsection (4) of that section shall be omitted.

(4) In section 126(1) of that Act, in the definition of "petty
sessions area" for the words following "that is to say" there shall
be substituted the words "a non-metropolitan county which is not
divided into petty sessional divisions, a petty sessional division of
a non-metropolitan county, a metropolitan district which is not
divided into petty sessional divisions and a petty sessional division
of a metropolitan district".

17.—(1) In section 2 of the Administration of Justice Act 1964, 1964 c. 42.
after subsection (3) there shall be inserted the following subsection:—

"(3A) For all purposes of the law relating to magistrates'
courts committees and matters connected therewith a London
commission area shall be deemed to be a non-metropolitan
county and references to such a county in any such enactment
as is referred to in subsection (3) of this section shall be con-
strued accordingly."

(2) In sub-paragraphs (6) and (7) of paragraph 20 of Schedule 3
to that Act for the word "county" in each place where it occurs
there shall be substituted the words "non-metropolitan county".

18. In section 2(2) of the Police Act 1964, at the beginning of 1964 c. 48.
paragraph (b) there shall be inserted the words "in the case of a
non-metropolitan county", and at the end of that paragraph there
shall be inserted the following paragraph:—

"(c) in the case of a metropolitan county, one third shall be
magistrates for the county appointed—

(i) by a joint committee consisting of such number of
representatives from each of the magistrates' courts
committees for the districts within the county as may
be agreed between those committees or, in default of
agreement, as may be determined by the Secretary of
State; and

(ii) in accordance with a scheme made by that joint
committee and approved by the Secretary of State".

19.—(1) In Schedule 3 to the Justices of the Peace Act 1968, at 1968 c. 69.
the end of paragraph 3 there shall be added the words—

"Provided that in any such enactment which refers in the
same context both to a non-metropolitan county and to a
metropolitan district, the reference to a non-metropolitan
county shall be taken to include the City."

(2) In paragraph 4(4) of that Schedule for the words "county or
county borough" there shall be substituted the words "non-metro-
politan county or metropolitan district".

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BOROUGH CIVIL COURTS TO BE ABOLISHED

Abingdon Court of Record	Evesham Court of Record
Andover Court of Record	Exeter Court of Record
Arundel Court of Record	Eye Court of Record
Banbury Court of Record	Falmouth Court of Pleas and Record
Barnstaple Court of Record	Faversham Portmote Court
Basingstoke Court of Record	Folkestone Court of Record
Bath Court of Record	Gloucester Court of Record
Beaumaris Court of Record	Godmanchester Court of Pleas
Beccles Fen Court	Grantham Court of Record
Bedford Court of Pleas	Gravesend Court of Record
Beverley Court of Record	Great Grimsby Mayor's Court
Bewdley Court of Record	Great Torrington Court of Record
Bideford Court of Record	Great Yarmouth Borough Court
Birmingham Borough Court	Guildford Court of Record
Blandford Forum Court of Record	Hartlepool Court of Pie Poudre, etc.
Bodmin Court of Record	Harwich Court of Pleas
Boston Court of Record	Hastings Court of Record
Brecon Court of Record	Haverfordwest Intrinsic Court
Bridgwater Court of Record	Hedon Court of Pleas
Bridport Court of Record	Helston Court of Record
Bristol Mayor's Court	Hereford Mayor's Court
Buckingham Three Weeks Court	Hertford Court of Record
Bury St. Edmunds Court of Record	High Wycombe Court of Record
Cambridge Court of Pleas	Huntingdon Court of Pleas
Canterbury Mayor's Court	Hythe Court of Record
Cardiff Court of Record	Ipswich Court of Small Pleas
Carlisle Mayor and Bailiff's Court	King's Lynn Guildhall Court
Chester Courts of Portmote and of Pentice and Passage	Kingston upon Thames Court of Record
Chichester Court of Record	Kirkby-in-Kendal Court of Record
Chipping Norton Court of Record	Lancaster Borough Court of Pleas
Clitheroe Borough Court	Launceston Court of Record
Colchester Law Hundred and Foreign Courts	Leicester Court of Record
Congleton Court of Record	Leominster Court of Record
Conway Court Baron	Lichfield Court of Record
Coventry Court of Record	Lincoln Borough Mote Court and Court for Foreigners
Dartmouth Court of Record	Liskeard Court of Record
Daventry Court of Record	Llandoverly Bailiffs' Court
Deal Court of Record	Lyme Regis Court of Hustings
Denbigh Court of Pleas	Macclesfield Hundred Court
Derby Court of Record	Maidenhead Court of Record
Devizes Court of Record	Maidstone Court of Pleas
Doncaster Court of Pleas	Marlborough Mayor's or King's Court
Dorchester Court of Record	Monmouth Borough Court
Dover Court of Record	
Droitwich Court of Record	

BOROUGH CIVIL COURTS TO BE ABOLISHED—*continued*

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Neath Court of Pleas	St. Albans Court of Record
Newark Court of Record	St. Ives (Cornwall) Court of Record
Newbury Court of Record	Salisbury Bishop's Court
Newcastle-under-Lyme Court of Record	Scarborough Court of Pleas
Newcastle upon Tyne Burgess and Non-Burgess Courts	Shaftesbury Court of Record
Newport (Isle of Wight) Court of Record	Shrewsbury Court of Record
Newport (Monmouthshire) Court of Record	Southampton Court of Record
Northampton Court of Record	Southwark Court of Record
Norwich Court of Pleas	Southwold Court of Record
Nottingham Court of Record	Stafford Court of Record
Oxford Court of Husting	Stockport Court of Portemanimote
Oxford Mayor's Court	Stratford-upon-Avon Court of Record
Pembroke Mayor's Fortnight Court	Swansea Court of Record
Penryn Court of Record	Tamworth Court of Record
Penzance Court of Record	Tenby Court of Record
Plymouth Mayor's Court	Totnes Court of Record
Pontefract Courts	Truro Court of Record
Poole Court of Record	Wallingford Court of Record
Portsmouth Court of Record	Walsall Court of Record
Preston Court of Pleas	Wells Court of Record
Reading Borough Court of Record	Welshpool Court of Record
Retford (East) Court of Record	Weymouth and Melcombe Regis Court of Record
Ripon Borough Court	Wigan Court of Pleas
Rochester Court of Portmote	Winchester City Town Court
Romsey Court of Record	Windsor Record Court
Ruthin Court of the Lordship	Worcester Court of Record
	York Court of Record

Section 251.

SCHEDULE 29

ADAPTATION, MODIFICATION AND AMENDMENT OF ENACTMENTS

PART I

GENERAL ADAPTATION OF ENACTMENTS

1.—(1) This paragraph applies to any enactment passed before, or during the same session as, this Act, and any instrument made before this Act under any enactment.

(2) Any reference in any such enactment or instrument to a local authority within the meaning of the 1933 Act shall be construed as a reference to a local authority within the meaning of this Act.

2. In any enactment or instrument to which paragraph 1 above applies any reference to a district which is such a reference by virtue only of a provision of this Act shall be construed as a reference to a district within the meaning of this Act.

3. In any enactment or instrument to which paragraph 1 above applies—

(a) references to expenses, including expenses of a specified description, incurred for general county purposes or general London purposes or to expenditure on which the whole of the county or the whole of Greater London is chargeable shall be construed as references to general expenses of a county council or the Greater London Council, as the case may be ;

(b) references to expenses, including expenses of a specified description, incurred for special county purposes or special London purposes or to expenditure on which a part only of the county or Greater London is chargeable shall be construed as references to special expenses of a county council or the Greater London Council, as the case may be ; and

(c) references to receipts of a county council or the Greater London Council for general or special county purposes shall be construed as references to receipts of a county council or the Greater London Council in respect of general or, as the case may be, special expenses.

4.—(1) Subject to sub-paragraph (2) below, in any enactment or instrument to which paragraph 1 above applies—

(a) any reference to a specified officer of a local authority shall be construed as a reference to the proper officer of a local authority ;

(b) any reference to a specified officer of a county council shall be construed as a reference to the proper officer of a county council ;

- (c) any reference to a specified officer of a borough or of the council of a county district (whether referred to as such or as the council of a borough or urban or rural district) shall be construed as a reference to the proper officer of a district council ;
- (d) any reference to a specified officer of a rural parish (whether referred to as such or as a parish) shall be construed as a reference to the proper officer of a parish or community council, as the case may be.
- (2) Sub-paragraph (1) above shall not apply in any case where the reference is to any officer of a specified local authority which ceases to exist by virtue of section 1 or 20 of this Act, and shall not apply to any reference in any enactment to an officer specified in section 112(4) above.
5. In any enactment or instrument to which paragraph 1 above applies any reference to a representative body of a parish—
- (a) as respects England, shall be construed as a reference to the parish trustees of the parish ; and
- (b) as respects Wales, shall be disregarded.
- 6.—(1) This paragraph applies for the construction of any enactment passed before 22nd March 1967, and shall have effect subject to any contrary intention which may appear in any such enactment.
- (2) In any such enactment any reference to a parish shall—
- (a) as respects those areas in England outside Greater London which immediately before 1st April 1974 constituted urban parishes, other than urban parishes in a rural district, be construed as a reference to each such area or, where the area is divided between more than one district, as a reference to each part of the area so divided ; and
- (b) in the case of the areas mentioned in paragraph 3 of Part IV of Schedule 1 to this Act, be construed as a reference to each such area.
- (3) In any such enactment any reference to an urban parish shall, as respects those areas of England outside Greater London which immediately before 1st April 1974 constituted urban parishes, be construed as a reference to each such area or, where the area is divided between more than one district, as a reference to each part of the area so divided.
- (4) In any such enactment any reference to a rural parish shall as respects the areas mentioned in paragraph 3 of Part IV of Schedule 1 to this Act be construed as a reference to each such area.
- (5) In any such enactment any reference to an urban parish shall as respects Wales be construed as a reference to a community.
- (6) As respects Greater London any reference to a parish or urban parish—
- (a) in any such enactment relating to rating and valuation shall be construed as a reference to a rating district ;

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(b) in any other such enactment shall be construed as a reference to a rating area.

7.—(1) References in any enactment or instrument to district audit, to audit by a district auditor or to professional audit shall be construed, in relation to the accounts of a local authority or other public body, as references to audit in accordance with Part VIII of this Act.

(2) Subject to the following provisions of this paragraph, the audit of the accounts of any public body (other than a body whose accounts fall within section 154(1) above) which by virtue of sub-paragraph (1) above are required to be audited in accordance with Part VIII of this Act shall, with respect to the financial year beginning on 1st April 1974 and subsequent financial years, be conducted—

(a) by an approved auditor if, immediately before that date, the accounts of that body were subject to professional audit, and

(b) by the district auditor in any other case,

and where paragraph (a) above applies the body concerned shall, by resolution passed before 1st January, 1974, appoint an auditor to audit the accounts concerned, and section 164 above shall apply in relation to any appointment so made.

(3) With respect to accounts for financial years beginning on and after 1st April 1975 subsections (3), (4) and (6) to (9) of section 154 above shall apply in relation to any accounts to which sub-paragraph (2) above applies as they apply in relation to accounts falling within subsection (1) of that section, but as if the body concerned had resolved under subsection (2) of that section that the accounts should be audited as mentioned in sub-paragraph (2) above.

(4) If it appears to the Secretary of State that, with respect to any accounts to which sub-paragraph (2) above applies,—

(a) in a case where paragraph (a) of that sub-paragraph applies, no resolution has been passed under that sub-paragraph, or

(b) for any other reason neither the district auditor nor an approved auditor is for the time being appointed to audit the accounts, or

(c) the approved auditor who is for the time being appointed to audit the accounts is for any reason unable or unwilling to act,

he may direct that, with respect to such financial year as may be specified in the direction, the accounts shall be audited by the district auditor; and where such a direction is given, sub-paragraphs (2) and (3) above shall have effect as if, for that financial year, paragraph (b) of sub-paragraph (2) above applied to the accounts.

(5) Without prejudice to sub-paragraph (1) above—

(a) sub-paragraphs (2) to (4) above shall not apply in relation to the accounts of a river authority or drainage board; and

(b) the audit of the accounts of those bodies, with respect to financial years beginning on and after 1st April 1974, shall be conducted by a district auditor.

8. The foregoing provisions of this Schedule shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act.

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PART II

PARTICULAR MODIFICATIONS AND AMENDMENTS

Allotments

9.—(1) As respects a parish in England those functions under the Allotments Acts 1908 to 1950 which, apart from this paragraph, would be exercisable both by the district council and the parish council or parish meeting shall not be exercisable by the district council.

(2) In section 34 of the Small Holdings and Allotments Act 1908, 1908 c. 36. in subsection (1), for the words from “submit to the council” to the words “partly situate” there shall be substituted the words “prepare and carry into effect”.

(3) In subsection (2) of that section, for the words from “The county council” to the words “being made” there shall be substituted the words “Upon such a scheme being carried into effect”.

(4) In section 39(7) of that Act, for the word “county”, wherever occurring, there shall be substituted the word “district”.

(5) In section 52(3) of that Act, after the word “county” there shall be inserted the words “or district”.

10.—(1) In section 9(1) of the Land Settlement (Facilities) Act 1919 c. 59. 1919, for the word “county” there shall be substituted the word “district”.

(2) In section 12(1) and in section 17 of that Act, for the word “county” there shall be substituted the word “district”.

11. In section 4 of the Small Holdings and Allotments Act 1926, 1926 c. 52. for the word “county”, wherever occurring, there shall be substituted the word “district”.

Ancient monuments

12.—(1) In section 21(1) of the Ancient Monuments Consolidation 1913 c. 32. and Amendment Act 1913 after the word “and”, where it first occurs, there shall be inserted the words “district and of every London”.

(2) In the Schedule to the Field Monuments Act 1972, in para- 1972 c. 43. graph 3, for the words from “borough, including” onwards there shall be substituted the words “district or London borough”.

Betting and gaming

13.—(1) In paragraph 1(1)(a) of Schedule 2 to the Betting, Gaming 1963 c. 2. and Lotteries Act 1963 for the words “county, county borough or London borough” there shall be substituted the words “district or London borough and the Common Council of the City of London”.

(2) In Schedule 3 to that Act, in paragraphs 5(2)(a)(i) and 6(2)(b), for the words “county district” there shall be substituted the word “county”; and in paragraph 6(2)(c) for the words “such county district or London borough” there shall be substituted the words “district or London borough in which the track or any part thereof is situated”.

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Caravan sites

- 1960 c. 62. 14. In section 23 of the Caravan Sites and Control of Development Act 1960 for the words "rural district council", wherever occurring, there shall be substituted the words "district council".

Celluloid and cinematograph film

- 1922 c. 35. 15. In section 9 of the Celluloid & Cinematograph Film Act 1922, in the definition of "local authority" for the words following "means" there shall be substituted the words "the council of a county or London borough or the Common Council of the City of London".

Children and young persons

- 1969 c. 54. 16. In Schedule 2 to the Children and Young Persons Act 1969, in paragraph 6, for the words "Part X of that Act" there shall be substituted the words "Part VIII of the Local Government Act 1972" and for the words "section 219(c)" there shall be substituted the words "section 154(1)".

Coast protection

- 1949 c. 74. 17.—(1) In section 20 of the Coast Protection Act 1949,—
 (a) in subsections (1) to (4), for the words "county district", wherever occurring, there shall be substituted the words "maritime district";
 (b) in subsection (5), for the words "county borough" there shall be substituted the word "district".
 (2) In section 21(2) of that Act, for the words "the Seaford Urban District Council" there shall be substituted the words "a district council".

Consumer protection

- 1913 c. 17. 18.—(1) In section 5 of the Fabrics (Misdescription) Act 1913, in subsection (2), for the words following "means" there shall be substituted the words "the local weights and measures authority" and subsection (3) of that section shall be omitted.
 (2) In paragraph 7 of the Schedule to the Consumer Protection Act 1961, for the words from "as respects England" to the end of the paragraph there shall be substituted the words "means the local weights and measures authority".

Explosives

- 1875 c. 17. 19. In section 67 of the Explosives Act 1875 for paragraph (3) there shall be substituted the following:—
 "(3) Outside Greater London, the council of a county; and"
 and paragraph (5) of that section shall be omitted.

Gas

- 1965 c. 36. 20.—(1) In paragraphs 4(2)(a), 7(3)(a), 12(1)(a) and 16(2)(a) of Schedule 2 to the Gas Act 1965, for the words "local authority", wherever occurring, there shall be substituted the words "every local authority who are not a local planning authority and every".
 (2) Every application for a certificate under Schedule 3 to that Act with regard to planning permission for the carrying out of

controlled operations shall, outside Greater London, be made to the district planning authority, but shall be dealt with by the local planning authority who would have dealt with an application for planning permission for the carrying out of those operations, and the district planning authority shall, as soon as may be after they have received any application for such a certificate which falls to be dealt with by the county planning authority, send the application to the latter.

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Glebe land

21.—(1) In section 4(2)(a) of the Glebe Lands Act 1888, for the words “county or municipal borough”, in both places where they occur, there shall be substituted the words “local authority”.

(2) In section 8(1) of that Act, for the words from “the sanitary authority” to “1887” there shall be substituted the words “any local authority for the area in which the land is situated or, in the case of a parish not having a parish council, to the parish meeting of that parish for the purpose of providing allotments under the Allotments Acts 1908 to 1950”.

House to house and street collections

22. In section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916, in subsection (1) for the words “A police authority” there shall be substituted the words “Each of the authorities specified in subsection (1A) below” and for the words “the police” there shall be substituted the word “their”, and at the end of that subsection there shall be inserted the following subsection:—

“(1A) The authorities referred to in subsection (1) above are—

- (a) the Common Council of the City of London,
- (b) the police authority for the Metropolitan Police District,
and
- (c) the council of each district;

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.”

23.—(1) In section 2 of the House to House Collections Act 1939, in subsection (1), for the word “police”, in the first place where it occurs, there shall be substituted the word “licensing” and the word “police”, in the second place where it occurs, shall be omitted.

(2) After that subsection there shall be inserted the following subsection:—

“(1A) In this section “licensing authority” means—

- (a) in relation to the City of London, the Common Council;
- (b) in relation to the Metropolitan Police District, the Commissioner of Police for the Metropolis; and

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(c) in relation to a district exclusive of any part thereof within the Metropolitan Police District, the district council."

(3) In that section, in the proviso to subsection (2) and in subsections (3), (4) and (6), for the word "police", wherever it occurs, there shall be substituted the word "licensing".

(4) In section 4(2)(e) of that Act the word "police" shall be omitted.

(5) In section 9 of that Act, in subsection (2), for the words from "said Commissioner" to the end of the subsection there shall be substituted the words "Commissioner of Police for the Metropolis by virtue of his being a licensing authority within the meaning of section 2 of this Act".

Land drainage

1930 c. 44.

24.—(1) In section 3(2) of the Land Drainage Act 1930, for the words "urban districts" and "urban and rural districts" there shall be substituted the word "districts".

(2) In section 32(2) of that Act for the words from "a local authority" to "county" there shall be substituted the words "the council of a county, of a London borough or of a district, the Greater London Council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple".

(3) In section 38 of that Act, in subsection (2), the words "for the purposes of the Public Health Acts 1875 to 1926" shall be omitted and at the end of that subsection there shall be added the following subsection:—

"(3) In subsection (2) of this section "local authority" means the council of a district or of a London borough."

(4) In section 47(2) of that Act, for the words "county borough or county district" there shall be substituted the words "and district".

1961 c. 48.

25.—(1) In section 3(9) of the Land Drainage Act 1961 the words "county borough" shall be omitted, for the words "or county district" there shall be substituted the words "and of any district" and for the word "it" there shall be substituted the words "the county and of the district".

(2) In section 11 of that Act, in subsection (2), the words "county borough or" shall be omitted, after the word "district" there shall be inserted the words "or London borough" and at the end of that subsection there shall be added the following subsection:—

"(3) This section shall apply in relation to the City of London as if the City were a London borough and the Common Council of the City of London were the council of the borough."

(3) In section 30(8) of that Act for the words "or county borough" there shall be substituted the words "and of any district" and for the word "council" in the last place where it occurs there shall be substituted the words "district council (or in Greater London, in accordance with section 79 of the London Government Act 1963)."

1963 c. 33.

(4) In section 34 of that Act, in subsection (1) the words "county borough or" shall be omitted and after the word "district" there shall be inserted the words "or London borough or the Common Council of the City of London"; in subsection (2) of that section, after the word "district" there shall be inserted the words "or the Common Council of the City of London" and at the end of that subsection there shall be inserted the following subsection:—

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"(2A) The functions exercisable under subsections (1) and (2) of this section by a district council shall also be exercisable as respects the metropolitan watercourses (within the meaning of Schedule 14 to the London Government Act 1963) by the Greater London Council, and accordingly references in those subsections to a district and the council thereof shall, in their application to the metropolitan watercourses, be construed as including references respectively to Greater London and the Greater London Council".

1963 c. 33.

(5) In Schedule 14 to the London Government Act 1963, in paragraphs 1 to 4, for the words "county borough", in each place where they occur, there shall be substituted the word "county" and in paragraph 1 of that Schedule before the words "shall be exercisable" there shall be inserted the words "other than section 34 of the Act of 1961".

Land registration

26.—(1) In section 100(5) of the Land Registration Act 1925 for the words following "includes" there shall be substituted the words "the Greater London Council".

1925 c. 21.

(2) In section 120 of that Act, subsections (4) and (5) (which become unnecessary in view of section 67 of this Act) shall be omitted.

Licensing of places of entertainment

27.—(1) In section 3(6) of the Home Counties (Music and Dancing) Licensing Act 1926 the words "the clerk of", in both places where they occur, shall cease to have effect.

1926 c. 31.

(2) In section 1(1) of the Private Places of Entertainment (Licensing) Act 1967, after the word "is", in the first place where it occurs, there shall be inserted the words "for the time being".

1967 c. 52.

(3) In Part I of the Schedule to the said Act of 1967—

- (a) in the second paragraph, for the word "county", wherever occurring, there shall be substituted the word "district"; and
- (b) in the fifth paragraph, in the first column, for the words from the beginning to the word "or" there shall be substituted the words "A county or district, or".

Mines and quarries (Tips)

28. At the end of section 25 of the Mines and Quarries (Tips) Act 1969 there shall be added the following subsection—

1969 c. 10.

"(6) Where, by virtue of Part VI of the Local Government Act 1972, a district council incurs any such expenditure as is referred to in subsection (1), grants under this section may be made to the district council and references to a local authority shall be construed accordingly."

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- 1965 c. 59. 29. In section 54(1) of the New Towns Act 1965, in the definition of "local authority", for the words "county borough" there shall be substituted the word "district" and for the words "or county district" there shall be substituted the words "parish or community".

Nurses agencies

- 1957 c. 16. 30. In section 2 of the Nurses Agencies Act 1957, in subsection (1), for the words following "in relation to", in the second place where they occur, there shall be substituted the words "a non-metropolitan county or London borough, the council of that county or borough, and in relation to a metropolitan district, the council of that district".

Offices, shops and railway premises

- 1963 c. 41. 31. In section 88 of the Offices, Shops and Railway Premises Act 1963, for the words "county borough" and the word "borough" there shall in each case be substituted the word "district".

Petroleum spirit

- 1928 c. 32. 32. In section 2(1)(c) of the Petroleum (Consolidation) Act 1928 for the words "the district council" there shall be substituted the words "the county council".

Pharmacy and poisons

- 1933 c. 25. 33. In section 29 of the Pharmacy and Poisons Act 1933, in the definition of "local authority" the words "and as respects a county borough the council of the borough" shall be omitted.

Plant health

- 1967 c. 8. 34. In section 5 of the Plant Health Act 1967, for subsection (3) there shall be substituted the following subsection:—
 "(3) The local authorities for the purposes of this Act shall be the councils of non-metropolitan counties, metropolitan districts and London boroughs and the Common Council of the City of London".

Police

- 1967 c. 77. 35. In section 18 of the Police (Scotland) Act 1967, for the word "Cumberland", wherever occurring, there shall be substituted the word "Cumbria".

Post and telegraph offices

- 1953 c. 36. 36. In section 51 of the Post Office Act 1953, in subsection (2) for the words "borough or urban district" there shall be substituted the words "London borough", and the words "or district", in both places where they occur, shall be omitted; and in subsection (3) of that section the word "rural", in each place where it occurs, the word "contributory", in the first place where it occurs, and the words from "and any expenses" to the end of the subsection shall be omitted.

Protection of birds

- 1954 c. 30. 37.—(1) In section 12(4) of the Protection of Birds Act 1954 for the words "county or county borough", in the first place where they occur, there shall be substituted the words "non-metropolitan county,

metropolitan district or London borough or the Common Council of the City of London” and for the words “county or county borough”, in the second place where they occur, there shall be substituted the word “council”.

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(2) In section 14(1) of that Act, in the definition of “administrative area” for the words “county or county borough” there shall be substituted the words “non-metropolitan county, a metropolitan district, a London borough or the City of London” and in the definition of “local authority” for the words from “county borough” to “rural district” there shall be substituted the words “district or London borough”.

(3) In section 10 of the Protection of Birds Act 1967 for the words “county, county borough” there shall be substituted the words “non-metropolitan county, metropolitan district”.

Redistribution of seats

38. In paragraph 4(1)(a) of Schedule 2 to the House of Commons (Redistribution of Seats) Act 1949 sub-paragraphs (ii) and (iv) shall be omitted. 1949 c. 66.

Redundant churches, etc.

39. In section 90(1) of the Pastoral Measure 1968, for paragraph (a) of the definition of “local planning authority” there shall be substituted the following paragraph:— 1968 No. 1.

“(a) outside Greater London, means the district planning authority”.

Registration services

40. In section 57(4) of the Marriage Act 1949, for the words following “the certified copy” there shall be substituted the words “and that sum shall be reimbursed to the superintendent registrar— 1949 c. 76.

(a) in the case of a registration district in the City of London, the Inner Temple and the Middle Temple, by the Common Council of the City of London ;

(b) in any other case, by the council of the non-metropolitan county, metropolitan district or London borough in which his registration district is situated”.

41.—(1) In sections 5(1), 10(1) and 13(1) of the Registration Service Act 1953, for the words “county and county borough”, wherever occurring, there shall be substituted the words “non-metropolitan county and metropolitan district”. 1953 c. 37.

(2) In sections 6(1) and (3), 7(3), 10(1) and (3), 13(2)(a) and (c) and (3)(b), 14(1), (2) and (5), 18(2), (4) and (5) and 21(1) of that Act, for the words “county or county borough” there shall be substituted the words “non-metropolitan county or metropolitan district”.

(3) In section 9(1) of that Act, for the words from “clerk of the county council” to the words “or county borough” there shall be substituted the words “proper officer of the non-metropolitan county or metropolitan district”.

(4) In sections 9(2) and 13(2)(h) and (3)(b) of that Act, for the words “clerk of the county council or town clerk of the county borough” there shall be substituted the words “proper officer of the non-metropolitan county or metropolitan district”.

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(5) In section 20(b) of that Act, for the words "clerks of county councils, town clerks of county boroughs" there shall be substituted the words "proper officers of non-metropolitan counties and metropolitan districts".

(6) In section 21(2)(b) of that Act, for the words "county borough", in both places where they occur, there shall be substituted the words "metropolitan district".

Riding establishments

1964 c. 70.

42. In section 6(4) of the Riding Establishments Act 1964 in the definition of "local authority", for the words "county borough" there shall be substituted the word "district" and the words from "as respects any non-county borough" to "of the county" shall be omitted.

Shops

1950 c. 28.

43. In section 73 of the Shops Act 1950, in subsection (1), for the words from "as respects any municipal borough" to the end of the subsection there shall be substituted the words—

"as respects any London borough, the council of the borough ;
and
elsewhere, the council of the district".

Social services

1948 c. 29.

44.—(1) In sections 47(12) and 50(2) of the National Assistance Act 1948, for the words "county boroughs and county districts" there shall be substituted the words "districts and London boroughs and the Common Council of the City of London".

1958 c. 49.

(2) In section 1(5) of the Trading Representations (Disabled Persons) Act 1958 for the words "county borough or county district or a metropolitan borough" there shall be substituted the words "other than a metropolitan county, or of a district or London borough".

1963 c. 33.

(3) In section 46(4) of the London Government Act 1963 for the words "county borough" there shall be substituted the words "London borough".

1970 c. 42.

(4) In section 5(6) of the Local Authority Social Services Act 1970, for the words "section 59 of the Local Government Act 1933" there shall be substituted the words "section 80 of the Local Government Act 1972".

War memorials

1923 c. 18.

45. Section 2 of the War Memorials (Local Authorities' Powers) Act 1923 (limit on expenditure on war memorials) shall cease to have effect.

Young persons (employment)

1938 c. 69.

46. In section 6 of the Young Persons (Employment) Act 1938, for paragraphs (b) to (d) there shall be substituted the following paragraphs—

"(b) as respects any London borough, the council of the borough ; and
(c) elsewhere, the council of the district."

SCHEDULE 30

Section 272.

REPEALS

Chapter	Short Title	Extent of Repeal
16 Geo. 2. c. 18.	The Justices Jurisdiction Act 1742.	In section 1 the words "riding, city, liberty, franchise, borough or town-corporate".
7 & 8 Vict. c. 61.	The Counties (Detached Parts) Act 1844.	The whole Act.
7 & 8 Vict. c. 92.	The Coroners Act 1844.	In section 5, the words from "and shall reside" onwards. Sections 27 and 28.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act 1847.	Section 135.
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act 1847.	Section 10.
12 & 13 Vict. c. 18.	The Petty Sessions Act 1849.	Section 1.
15 & 16 Vict. c. 85.	The Burial Act 1852.	The whole Act, except sections 45, 48 and 51 and in section 52 the words "In this Act" and the definitions of "incumbent" and "churchwarden".
16 & 17 Vict. c. 134.	The Burial Act 1853.	In section 1, the words from "for the protection" to "prohibited, or that" and from "that no new burial" to "case may require)". Sections 6 to 8.
17 & 18 Vict. c. 87.	The Burial Act 1854.	The whole Act.
18 & 19 Vict. c. 128.	The Burial Act 1855.	Sections 3 to 7, 9, 11 to 17 and 19 to 21. Section 18 except in its application to the City.
20 & 21 Vict. c. 81.	The Burial Act 1857.	The whole Act except sections 10, and 23 to 25. In section 10 the words from "in any cemeteries" to "like burials". In section 23, the words "churchwardens or such other", and the words "churchwardens or other", wherever occurring.
23 & 24 Vict. c. 64.	The Burial Act 1860.	The whole Act.
34 & 35 Vict. c. 33.	The Burial Act 1871.	The whole Act.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 26, the words from "The fees payable to the local authority" to the end of the section. Section 67(5). Section 68.

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Chapter	Short Title	Extent of Repeal
38 & 39 Vict. c. 17— <i>cont.</i>	The Explosives Act 1875 — <i>cont.</i>	In section 70 the words “In a borough the borough fund or borough rate” and the words from “In any place” to “within their district”.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	In section 108, the words from “The expression ‘borough’” to “deemed to be a county”. In section 4, the definitions of “local authority” and “surveyor”. In section 148, the words “or with the surveyor of any county bridge” and “or of any road over any county bridge and the approaches thereto”, and the words “or surveyor”. Section 276. In Part III of Schedule 5, the paragraphs relating to the Acts 21 & 22 Vict. c. 98 and 29 & 30 Vict. c. 90 and in the paragraph relating to the Act 24 & 25 Vict. c. 61 the words “constituted a burial board”.
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act 1878.	In section 26 the words “or county borough” and “or borough”.
42 & 43 Vict. c. 31.	The Public Health (Interments) Act 1879.	The whole Act.
45 & 46 Vict. c. 49.	The Militia Act 1882.	Sections 29, 48 and 49 and the Schedule.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Sections 170, 171 and 178 to 184.
48 & 49 Vict. c. 21.	The Burial Boards (Contested Elections) Act 1885.	The whole Act.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	Section 5(3). In section 9, in paragraph (a) of the definition of “compensation authority”, the words “or borough”.
50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	In section 4, the words “nor bailiff of a franchise” and “or bailiwick”. Section 10(2). In section 14(1)(c), the words “or franchise”. In section 18(1), in subsection (1), the words “or of the due execution of some writ”, “or by such writ” and “or receives such writ”. In section 26, the words “or borough”. In section 29(1), the words “whether within a franchise or without”.

Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 55— <i>cont.</i>	The Sheriffs Act 1887 — <i>cont.</i>	Section 34. Section 36. In section 38, the definition of “county”.
50 & 51 Vict. c. 71.	The Coroners Act 1887.	In section 6(2) the words “if the said coroner is a coroner for a county” and the words from “or if he is” to “it adjoins”. Section 7(2) and (3). In section 25, the words “or borough” and the words from “to be deposited” to “copy thereof”. In section 27(1), the words “or borough”. In section 29(4), the words “or borough”. Sections 30 to 33. Sections 38 to 40. In section 41, paragraphs (a) and (b) and, in paragraph (c) the words “in the case of a county” and the words from “or rate” to the end.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act 1888.	In section 54(1) the words from “and if such authority” onwards.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	Section 3(x). Section 5. Section 7. Section 11(11) and (12). In section 28(2), the words “in respect of”, in the last place where they occur, and “of the Explosives Act 1875 or”. Sections 31 to 39. Sections 46 and 48. In section 100, the definition beginning “The expression ‘main road’”.
53 & 54 Vict. c. 59.	The Public Health Acts Amendment Act 1890.	In section 2(2) (as amended by Schedule 11 to the London Government Act 1963) the words from “Parts Two” to the end. Sections 3 and 5. In section 11(3), the words from “‘local authority’” to “the expressions” the words “and ‘rural authority’”, the word “respectively”, in the first two places where it occurs, and the words “and a rural sanitary authority”, “and ‘rural sanitary dis- trict’”, “and a rural sanitary district” and “surveyor”.

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Chapter	Short Title	Extent of Repeal
55 & 56 Vict. c. 56.	The Coroners Act 1892.	In section 1(1), the words "whether for a county or a borough" and "or mayor, as the case may be"; in section 1(2), the words "or borough, as the case may be"; and section 1(7).
56 & 57 Vict. c. 73.	The Local Government Act 1894.	Section 7. In section 8(1), paragraph (b) and in paragraph (d) the words from the beginning to "public walks, and" and the word "accordingly". Sections 53 and 62.
60 & 61 Vict. c. 39.	The Yorkshire Coroners Act 1897.	The whole Act.
60 & 61 Vict. c. 40.	The Local Government (Joint Committees) Act 1897.	The whole Act.
62 & 63 Vict. c. 30.	The Commons Act 1899.	In section 1(1), the words "or rural". Section 4. Section 13.
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act 1899.	In section 9, subsections (2) to (4) and (8).
62 & 63 Vict. c. 48.	The Lincolnshire Coroners Act 1899.	The whole Act.
63 & 64 Vict. c. 15.	The Burial Act 1900.	In section 1, in subsection (1), the words from "approved" onwards and subsection (2). Section 2(3). Sections 3, 5, 6 and 10.
2 Edw. 7. c. 8.	The Cremation Act 1902.	In section 9 the words "any such" and the words from "as may" to "Board". In section 12, the words "to be made or approved by the Secretary of State".
6 Edw. 7. c. 14.	The Alkali, &c. Works Regulation Act 1906.	In section 27, the definition of "sanitary authority".
6 Edw. 7. c. 44.	The Burial Act 1906.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts (Amendment) Act 1907.	In section 2(2) (as amended by Schedule 11 to the London Government Act 1963) the words from "and all" to the end. Section 3. In section 13, the definitions of "local authority" and "district of the local authority" and the words from "The expressions 'clerk'" to "local authority" in the last place where they occur. In section 31 the words from "the Local Government

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Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 53 —cont.	The Public Health Acts (Amendment) Act 1907 —cont.	Board ” to “ under this section and ”. In section 76(1), the words from the beginning to “ under this section ”. Section 22.
7 Edw. 7. c. cxl.	The City of London (Union of Parishes) Act 1907.	Section 22.
8 Edw. 7. c. 16.	The Finance Act 1908.	In section 6, in subsection (2), the words from “ fix ” to “ transfer and may ”, and the words from “ The trans- fer under this section ” to “ any such adjustment ”.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act 1908.	Section 24. Section 27(3). In section 32(1), the words “ with the sanction of the county council ”. In section 35(1), the words “ by the county council or ” and the words “ the county council or ”. Section 37. Section 53(2). Section 57(3). In section 61(1), the definition of “ county council ”.
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	Sections 5 and 6.
5 & 6 Geo. 5. c. 48.	The Fishery Harbours Act 1915.	In section 3(1) the words “ or rural ”.
9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act 1919.	In Schedule 1, in paragraph 1, the words “ county fund or ” and the words “ county or ”.
9 & 10 Geo. 5. c. 75.	The Ferries (Acquisition by Local Authorities) Act 1919.	In section 1, in subsection (2) the words “ with the approval of the Minister of Trans- port ”, in each place where they occur, and in subsection (6) the words “ or other ” and “ or rural ”.
12 & 13 Geo. 5. c. 11.	The Juries Act 1922.	The proviso to section 1(6).
12 & 13 Geo. 5. c. 35.	The Celluloid & Cine- matograph Film Act 1922.	Section 11(3).
12 & 13 Geo. 5. c. 51.	The Allotments Act 1922.	In section 8(2), the words from “ or by the council of a county ” to the words “ Small Holdings and Allotments Act 1908 ”. Section 14. In section 20, the words “ county borough or ” and the words from “ and the provisions of section twenty- four ” to the end.

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Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 18.	The War Memorials (Local Authorities' Powers) Act 1923.	Section 2.
15 & 16 Geo. 5. c. 20.	The Law of Property Act 1925.	In proviso (d)(ii) to section 193(1) the words "or county borough". In section 194, in subsection (2) the words "or borough" and in paragraph (b) of the proviso to subsection (3) the words "or county borough".
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	In section 120, subsections (4) and (5) and in subsection (7) the words from "and includes" to the end of the subsection.
15 & 16 Geo. 5. c. 61.	The Allotments Act 1925.	Section 3(4).
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	Section 12. Section 1(4). Section 2(2). Sections 3 to 5. In section 16, in subsection (1) the words from "in relation" to "county council or" and subsection (2). Section 18(5). Section 19(3). Section 70. In section 75, the proviso to subsection (2), and subsection (4). Schedules 2 and 3.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act 1925.	Sections 9(1), 10, 48, 49, 52 and 54 and Schedule 6.
16 & 17 Geo. 5. c. 31.	The Home Counties (Music and Dancing) Licensing Act 1926.	In section 3, in subsection (6) the words "the clerk of", in both places where they occur, and subsection (14). Section 4.
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	In section 9, the words "borough or urban or rural", and the words "borough or" in each place where they occur.
16 & 17 Geo. 5. c. 59.	The Coroners (Amendment) Act 1926.	In section 1(1), the words "or a coroner of a borough (in this Act referred to as 'a borough coroner')", the words "or borough", in the first place where they occur, and the proviso; and in section 1(2), the word "mayor" in both places where it occurs, the words "or borough" in the first place where they occur and the words from "or borough",

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 59— <i>cont.</i>	The Coroners (Amendment) Act 1926— <i>cont.</i>	<p>in the second place where they occur, to “that council”.</p> <p>In section 2, the words “or borough”, in each place where they occur.</p> <p>Sections 3 and 4.</p> <p>In section 5(1), the words “or borough”; and section 5(4).</p> <p>In section 6, the words “or borough”, in each place where they occur.</p> <p>In section 7, the words “or borough”.</p> <p>Section 8.</p> <p>In section 10, the words “and borough”.</p> <p>In section 11(1), the words “or borough”.</p> <p>In section 12(4), the words “residence and”.</p> <p>Sections 32 and 33.</p>
17 & 18 Geo. 5. c. 21.	The Moneylenders Act 1927.	In section 11, the proviso to subsection (1) and subsection (2).
18 & 19 Geo. 5. c. 19.	The Agricultural Produce (Grading and Marking) Act 1928.	<p>In section 4, in subsections (1), (2)(<i>bb</i>) and (2)(<i>c</i>) the words “or county borough.”)</p> <p>In section 5 the words “or county borough”, in each place where they occur, the words “in the case of a county council”, the words from “and in the case” to “borough rate” and the words “and county boroughs”.</p>
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	<p>Section 30(2) and (3).</p> <p>Section 31(5).</p> <p>In section 117, subsections (3) and (5) to (7).</p> <p>In section 134, the definition beginning “county bridge”.</p> <p>Schedule 1.</p>
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	<p>In section 107, subsections (1)(<i>a</i>), (2)(<i>a</i>) and (3), so far as not otherwise repealed.</p> <p>In section 108(1), the words “county borough or”, in each place where they occur, the word “a”, in the last place where it occurs, and the words “as the case may be”.</p>
20 & 21 Geo. 5. c. 44.	The Land Drainage Act 1930.	<p>In section 2(2) the words “and county boroughs”.</p> <p>In section 3, in subsection (2), the words “and of the county boroughs” in paragraph (<i>b</i>),</p>

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Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. 44— <i>cont.</i>	The Land Drainage Act 1930— <i>cont.</i>	<p>and the words “and county boroughs”; and in subsection (3) the words “and of county boroughs” and the proviso.</p> <p>In section 4(2) the words “county borough”.</p> <p>In section 6(4) the words “county borough”.</p> <p>In section 10(4) the words “or county borough”, in each place where they occur.</p> <p>In section 12(1) the words “county borough”.</p> <p>In section 18 the words “or county borough”, in each place where they occur.</p> <p>In section 20, in subsection (1)(b) the words “and county boroughs”, and in subsection (4) the words “and county boroughs”.</p> <p>In section 21(5)(b) the words “or county borough”.</p> <p>In section 22, in subsection (1) the words “and county boroughs”, in subsection (2) the words “or county borough”, in each place where they occur; and the words “and county boroughs”, and in subsection (4) the words “or county borough”.</p> <p>Section 23(2).</p> <p>In section 38(2) the words “for the purposes of the Public Health Acts 1875 to 1926”.</p> <p>In section 49, in subsection (1), the words “or county borough”, and in subsection (5) the words “or county borough”.</p> <p>In section 50, in subsection (1), the words “or of a county borough” and “or county borough”, in subsection (2) the words “or of a county borough” and “or county borough”, and in subsection (4) the words “or county boroughs”.</p> <p>In section 51(1) the words “or county borough”.</p> <p>In section 53, in subsection (1) the words “or county borough”, in paragraph (a) the words “in the case of</p>

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Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. 44— <i>cont.</i>	The Land Drainage Act 1930— <i>cont.</i>	the council of a county” and “and”, and paragraph (b); in subsection (2) the words “or county borough”, and subsections (3) and (4). In section 54, the words “and county boroughs” and “or county borough”. In Schedule 2 in paragraph 1, the words “or county borough”.
20 & 21 Geo. 5. c. 51.	The Reservoirs (Safety Provisions) Act 1930.	In section 4(2) the words “county, municipal”. In section 9, the words “or district”, in paragraph (c) the words “or urban district” and paragraph (d).
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act 1931.	In section 11, the words “county borough” and the word “metropolitan”. In Schedule 1, paragraph 8.
21 & 22 Geo. 5. c. 17.	The Local Authorities (Publicity) Act 1931.	The whole Act.
21 & 22 Geo. 5. c. 41.	The Agricultural Land (Utilisation) Act 1931.	In section 11(3), the words “or any county council acting in default of such a council as aforesaid”. In section 14(1), the words “or to any county council acting in default of such a council as aforesaid”.
23 & 24 Geo. 5. c. 25.	The Pharmacy and Poisons Act 1933.	In section 27, the words “and, in the case of the council of a county borough, out of the general rate fund”. In section 29, in the definition of “Local authority”, the words from “and as respects” to the end of the definition.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	The whole Act.
26 Geo. 5 and 1 Edw. 8. c. 48.	The Health Resorts and Watering Places Act 1936.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 3, the proviso to subsection (2), and subsection (3). In section 4, the proviso to subsection (1), and subsection (2). In section 7, the proviso to subsection (1) and subsection (2). Section 8. Sections 11 to 13. Section 70(1)(a) and (b). Section 71(b). In section 77(2)(b) the words from “or, in case of dispute” to the end.

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Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 49— <i>cont.</i>	The Public Health Act 1936— <i>cont.</i>	<p>In section 108(1), the words “and if required by the Minister shall”.</p> <p>In section 126(4), the words from “or any five” to “rural district” and the words “or contributory place”, in the second place where they occur.</p> <p>In section 187(2) the words “or county borough”.</p> <p>In section 196(1), the words from “and for” to the end.</p> <p>Section 230(1).</p> <p>Sections 272 and 273.</p> <p>Section 306.</p> <p>Section 308.</p> <p>Sections 320 and 321.</p> <p>Schedule 1.</p>
1 Edw. 8 & 1 Geo. 6. c. 5.	The Trunk Roads Act 1936.	<p>In section 3, subsection (1) and in subsection (2) the words from “and of the said functions” onwards.</p> <p>In section 13(1) the definitions beginning “Borough”, “County” and “Local authority”.</p> <p>Part I of Schedule 3.</p>
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act 1937.	<p>In section 4, subsection (2) and, in subsection (3) the words “A county council or” and “a county council or their county or”.</p>
1 & 2 Geo. 6. c. 6.	The Air-Raid Precautions Act 1937.	<p>In section 1, in subsection (2), the words “and county boroughs” and, in the proviso to that subsection, the word “county” in the second place where it occurs and the words “borough or urban” in each place where they occur; and, in subsection (3) the words from “boroughs (including” to “urban” and the words from “and the council” to the end of the subsection.</p> <p>In section 4, in subsection (1) the words from “nor shall functions” to the end of the subsection.</p>
1 & 2 Geo. 6. c. 69.	The Young Persons (Em- ployment) Act 1938.	<p>Section 5.</p> <p>Section 6(3).</p>

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Chapter	Short title	Extent of repeal
2 & 3 Geo. 6. c. 31.	The Civil Defence Act 1939.	<p>In section 11, in subsection (1) the words "or county borough", in the proviso to that subsection, in paragraph (a) the words "borough or urban" and "borough or" and in paragraph (b) the word "county", in the second place where it occurs; and subsection (2).</p> <p>In section 25, the words "county borough or county".</p> <p>In section 35, the words "county borough or county".</p> <p>In section 64(1), the words "or county borough" and the word "county", in the next place where it occurs.</p>
2 & 3 Geo. 6. c. 44.	The House to House Collections Act 1939.	<p>In section 2, in subsection (1), the word "police", in the second place where it occurs.</p> <p>In section 4(2)(e) the word "police".</p> <p>Section 7(1).</p> <p>Section 9(1).</p>
7 & 8 Geo. 6. c. 26.	The Rural Water Supplies and Sewerage Act 1944.	<p>In section 1(6) the words "urban or rural".</p> <p>In section 2 the words "urban or rural" in both places where they occur.</p> <p>In section 6, the words from the beginning to "1936".</p>
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	<p>In section 6(2) the words "and III".</p> <p>In section 68 the words from "or in accordance" to "1946".</p> <p>In section 88, the words "but a local education authority" onwards.</p> <p>Section 91.</p> <p>In Schedule 1, in Part II, paragraph 2 and, in the proviso to paragraph 7, the words from "or" to the end of the paragraph; and Part III.</p>
8 & 9 Geo. 6. c. 18.	The Local Authorities Loans Act 1945.	Section 8.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	<p>In section 3(4) the words "and county boroughs".</p> <p>In Schedule 3, in paragraph 1, the definition of "county district" and in the definition of "local authority", the words "or rural".</p>

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Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. 20.	The Building Materials and Housing Act 1945.	In section 8(3), the words "county borough" and the word "metropolitan".
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In section 8(1), in the definition of "local authority", the words "county borough, metropolitan". In Schedule 4, the amendments of the Local Government Act 1933.
9 & 10 Geo. 6. c. 50.	The Education Act 1946.	Section 10. Section 12. Section 13(2). Section 14(2). In section 16(1), the definitions of "divisional executive" and "scheme of divisional administration". In Schedule 2, in Parts I and II, the entries relating to Part III of Schedule 1 to the Education Act 1944.
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	In section 19(3), the words from "and the provisions of Part II" onwards. Section 22(4). Section 55(1). Part II of Schedule 4.
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act 1947.	In section 1, in subsection (1)(b) the words "county borough or county", subsection (2) and, in subsection (3), the words from "including" to "delegated powers". Section 2. Section 3(3). Section 4(3).
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	In the long title, the words "and county boroughs". In section 4, the words "and county borough". In section 5(2)(d), the words "(including a clerk to that authority and a treasurer of the combined fire services fund)". Section 6(1) proviso. In section 8, in subsection (3), the words "or county boroughs" and in subsection (4) the words "or county borough". In section 9, in subsection (2)(a) the words "or county boroughs" and in subsection

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41— <i>cont.</i>	The Fire Services Act 1947— <i>cont.</i>	(4) the words “and the council of any county borough”. In section 10, the words “county borough” in the second place where they occur. In Schedule 5, in paragraph 17(1) the words “and county boroughs”.
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	Sections 111 to 117 and 129 to 132. In section 133(3), the words “two and”.
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Sections 134 to 136. Section 21(3). In section 29, subsections (2) and (3). In section 33(1), the words “in Scotland”.
11 & 12 Geo. 6. c. 43.	The Children Act 1948.	Section 34. In section 35(2), the words from the beginning to “this Act”, in the first place where those words occur. Section 59.
11 & 12 Geo. 6. c. 46.	The Employment and Training Act 1948.	Section 49.
11 & 12 Geo. 6. c. 46.	The Employment and Training Act 1948.	Section 10(2)(b) and (c).
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	Section 57. Schedule 6. In Schedule 10, in Part II, paragraphs 1(3) and 7(2)(b).
12, 13 & 14 Geo. 6. c. 5.	The Civil Defence Act 1948.	Section 2(2)(b).
12, 13 & 14 Geo. 6. c. 47.	The Finance Act 1949.	In section 15, subsection (1)(a); in subsection (3) the words “the Hawkers Act, 1888, or” and subsection (5).
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act 1949.	In section 1(1) the words “county boroughs”.
12, 13 & 14 Geo. 6. c. 66.	The House of Commons (Redistribution of Seats) Act 1949.	In Schedule 2, in paragraph 4(1), in paragraph (a)(i) the words “county borough or” and sub-paragraphs (ii) and (iv) of paragraph (a), and in paragraph 4(2), the definitions of “county borough” and “county district”.
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	Section 19(7). In section 63(1), in the definition of “local authority” the words “county borough”.

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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	<p>Section 6(2). In section 11(2) the words from "in England" to "registration officer and".</p> <p>Section 12(7). Section 15(3). Section 17(1). Section 18(5). Section 23(9). Sections 26 to 29. Section 34.</p> <p>In section 36(1), the words from the beginning to "district councillor and" and from "or in the case" to "district election rules".</p> <p>Section 37(3). In section 41, subsection (3); and in subsection (5), the words "a county council".</p> <p>In section 43, in subsection (1), the words from "and there shall be paid" onwards; and subsections (4) and (6).</p> <p>Section 44(2). In section 139(3) the words "or of elective auditor".</p> <p>Section 165(2) to (4). In section 172(1) all the definitions except those of "electoral area", "local government Act", "local government area" and "local government election"; and in the definition of "local government area" the words "urban or rural"; subsection (2) and in subsection (3), in the proviso the words "the local election rules or".</p> <p>In Schedule 2, in the parliamentary elections rules, in rule 3(4) the words from "or in a constituency" to "London", in the second place where it occurs, and in rule 4(2) the words from "shall not" to "aforesaid", and the local elections rules; and in the Appendix the form of declaration to be made by the companion of a blind voter at a local government election.</p> <p>In Schedule 4, paragraph 1. In Schedule 8, in paragraph 5(1), so much of the Table as relates to the Local Government Act 1933 and paragraph 5(2) and (3).</p>

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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 74.	The Coast Protection Act 1949.	<p>In section 1(1), the words "county borough or county" in both places where they occur.</p> <p>In section 2, the words "county borough or county" and the words "local highway".</p> <p>Section 3.</p> <p>In section 8(8), the words "county borough or county".</p> <p>In section 17(1)(c) the word "highway".</p> <p>Section 21(1)(c).</p> <p>In section 22(2), the words "county borough or county".</p> <p>Section 29(3), (4), (5) and (6).</p> <p>In section 30, in subsection (1), the words from "an order under" to the word "Act"; in subsection (2) the words "and to an agreement setting up a joint committee", the word "respectively" and the words "and an agreement" and "or committee, as the case may be"; in subsection (3)(a), the words "or an agreement setting up a joint committee"; in subsection (3)(b), the words "or agreement" and the words "or committee" in both places where they occur; in subsection (3)(c) the words "or agreement" and the words "or committee" in both places where they occur; and subsection (3)(d).</p> <p>Section 42.</p> <p>In section 45(1)(b), the words "county borough, county".</p> <p>In section 49(1), the words "county borough or county" in both places where they occur.</p> <p>In Schedule 1, in paragraph 1(a), the words "county borough"; and in paragraph 1(c), the word "highway".</p>
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	<p>Section 8.</p> <p>Section 10.</p> <p>Section 21(2) and (3).</p> <p>In section 28(3), the word "rural".</p> <p>Section 36.</p>

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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 97 —cont.	The National Parks and Access to the Country- side Act 1949—cont.	<p>In section 51(4), the words “county borough council”.</p> <p>In section 52(2), the words “county borough council”.</p> <p>In section 89, subsection (2A) and, in subsection (7), the words “or county borough”.</p> <p>Section 90(2).</p> <p>In section 99, in subsections (2) and (6), the words “or county borough”.</p> <p>Section 102.</p>
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	<p>In section 13(1), the words “or borough”.</p> <p>In section 16, subsections (3) and (6).</p> <p>In section 18, in subsection (10), the words from “or by” to the end of the subsection.</p> <p>Section 19(10).</p> <p>Section 20(6).</p> <p>In section 21(1)(a) the words “or a borough”.</p> <p>In section 25, in subsection (1), the words “or borough”, in the first place where they occur, and the words “out of sessions”.</p> <p>In section 27, in subsection (1), the words from “and any enactment” to “have effect”, and subsection (8).</p> <p>In section 28, in subsection (2), the words “or borough”, and in subsection (3) the words “and borough”.</p> <p>In section 29, in subsection (2), the words from “and for any borough” to “peace”, and subsections (9) and (12).</p> <p>In section 44(1), the definition of “county” and in the definition of “magistrate”, the words “or a borough having a separate commission of the peace”, the words “or borough” in the next two places where they occur and the words from “(other than” to “of the peace)”.</p> <p>In Schedule 2, in paragraph 10(3), the words “residence and”, and the proviso.</p> <p>Schedule 3.</p> <p>In Schedule 4, in paragraph 1(1), the words “or borough” in the last place where they</p>

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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 101 —cont.	The Justices of the Peace Act 1949—cont.	occur; in paragraph 1(5), the words “or for a borough,” and “in the case of a county”; in paragraph 1(6), the words “or a county borough” and “or borough”; in paragraph 1(8), in paragraph (a), the words “or for a borough”, and in paragraph (b) the words from “and of the boroughs” to “paragraph”, the words “or borough” and the words from “(the number” onwards; paragraph 3; in paragraph 6, the words “3 or 4” and in paragraph 9(2), the words “borough or”.
14 Geo. 6. c. 28.	The Shops Act 1950.	Section 73(2) and (3).
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 59(2), in paragraph (a) the words from “and as respects” to “thousand” and in paragraph (b) the words “the residue of” and “administrative”. Section 60. Section 64(2). Sections 68 and 69. Schedule 4.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In section 39(1), the definition of “appropriate local authority”. In Schedule 2, in paragraph 2, the words “county borough or”. In Schedule 7, paragraphs 5 and 7(1).
14 & 15 Geo. 6. c. 35.	The Pet Animals Act 1951.	In section 7(3), in the definition of “local authority”, the words “county borough or” and the word “metropolitan”.
14 & 15 Geo. 6. c. 63.	The Rag Flock and Other Filling Materials Act 1951.	In section 35, in the definition of “authorised officer” the words from “except” onwards and in the definition of “local authority” the words “of an urban or rural”.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 31.	The Cremation Act 1952.	Section 3(2).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 46.	The Hypnotism Act 1952.	In section 2(4)(b) the words “county borough, borough, or urban or rural”.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.	The Prison Act 1952.	In section 19(1) the words “or borough” in each place where they occur.

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Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	<p>In section 1, the word "county" in each place where it occurs in the expression "county district", and the word "such" where it appears in subsection (1).</p> <p>In section 2, subsections (1)(b) and (4).</p> <p>In section 5, the words "and if authorised in that behalf by the Minister".</p> <p>In section 8(1), in paragraph (b) the words "of a county borough or county district".</p> <p>In section 10(3) the words "with the approval of the Minister".</p> <p>Section 12.</p> <p>Section 13(2)(c).</p>
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	<p>In section 1, the words "or borough", in each place where they occur.</p> <p>In section 2, the words "or borough", in each place where they occur.</p> <p>Section 3(4).</p> <p>In section 77(1), the words "or borough", in each place where they occur.</p> <p>In section 92(1), the words "or borough", in each place where they occur.</p> <p>In section 116, in subsection (1), the words "or borough", and subsections (2) and (3).</p> <p>Section 117.</p> <p>In section 123(1), the words "not a borough".</p> <p>In section 126, in subsection (1) the definition of "county" and subsection (4).</p> <p>In Schedule 4, the entries relating to the Explosives Act 1875.</p>
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	Section 25.
1 & 2 Eliz. 2. c. 26.	The Local Government (Miscellaneous Provisions) Act 1953.	<p>Sections 1 to 3.</p> <p>Section 14.</p> <p>In section 15, paragraph (a).</p> <p>Section 16.</p> <p>In section 18(3) the words "or county borough".</p>
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	<p>In section 51, in subsection (2), the words "or district", in both places where they occur, and in subsection (3) the</p>

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Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 36— <i>cont.</i>	The Post Office Act 1953 — <i>cont.</i>	word “rural”, in each place where it occurs, the word “contributory” in the first place where it occurs and the words from “and any expenses” to the end of the subsection.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	In section 5(4)(b), the words “metropolitan” and “county borough”.
2 & 3 Eliz. 2. c. 23.	The Hill Farming Act 1954.	In section 2(1), the words “county borough or”.
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act 1954.	Section 9(3).
2 & 3 Eliz. 2. c. 64.	The Transport Charges &c. (Miscellaneous Provisions) Act 1954.	In Schedule 1, in paragraphs 15 and 17(5), the words “county borough, non-county borough” and “or rural district”.
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	<p>In section 51, the words “with the approval of the Minister of Housing and Local Government”.</p> <p>In section 52(1), the words from the beginning to “application of”, the words from “approve” to “and the authority”, the words from “either” to “Minister, or” and the word “less”.</p> <p>Sections 83 and 84.</p> <p>In section 86, subsections (2) and (3) and in subsection (4), paragraphs (a) to (c).</p> <p>In section 88, in subsection (2), the words “or section eight”, and the words from “or” at the end of paragraph (a) to the end of the subsection.</p> <p>Section 89(3).</p> <p>Section 129.</p> <p>In section 135 the definitions of “county” and “county district”.</p> <p>In Schedule 6 both columns of the entry beginning “councils”.</p> <p>In Part I of Schedule 9 the entries relating to sections 272, 273, 320 and 321 of the Public Health Act 1936.</p> <p>In section 1(1)(a) the words “county borough, non-county borough or urban district”.</p> <p>In section 3(1) the words “county borough or county district”.</p>
4 & 5 Eliz. 2. c. 20.	The Agriculture (Improvement of Roads) Act 1955.	<p>In section 1(1)(a) the words “county borough, non-county borough or urban district”.</p> <p>In section 3(1) the words “county borough or county district”.</p>

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Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	Section 17.
4 & 5 Eliz. 2. c. 36.	The Local Authorities (Expenses) Act 1956.	The whole Act.
4 & 5 Eliz. 2. c. 43.	The Local Government Elections Act 1956.	The whole Act.
4 & 5 Eliz. 2. c. 49.	The Agriculture (Safety, Health and Welfare Provisions) Act 1956.	In section 24, in the definition of "sanitary authority" the words "or rural".
4 & 5 Eliz. 2. c. 52.	The Clean Air Act 1956.	Section 31(5).
5 & 6 Eliz. 2. c. 16.	The Nurses Agencies Act 1957.	Section 5.
5 & 6 Eliz. 2. c. 19.	The Public Health Officers (Deputies) Act 1957.	The whole Act.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the following words:— (a) in the sub-entry beginning "Clerk or deputy clerk", the words "of the council of a county in England and Wales, of the Greater London Council or" and the words "England and Wales or"; and (b) in the sub-entry beginning "Town clerk or deputy town clerk", the words "of the City of London, of a borough in England and Wales or".
5 & 6 Eliz. 2. c. 42.	The Parish Councils Act 1957.	Section 1(3). Section 3(2) to (6) and (8). Section 6(3). Section 8(2)(a). Section 9. Section 10. Section 12. Section 15. Schedule 1.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 86. In section 108, in subsection (1), the words "subject to the approval of the Minister" and subsection (2). In section 109, subsections (2) and (3).

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 56— <i>cont.</i>	The Housing Act 1957— <i>cont.</i>	Sections 115 to 118. Section 135(1). In section 141, the words “subject to the approval of the Minister”. Section 145. Sections 147 and 148. Section 156. In section 157, in subsection (4), the words from “and includes also” to the end of the sub- section. In section 160, the words “the medical officer of health or”. In section 161(b), the words “the medical officer of health or” and “of that officer or”. Sections 171 to 176. Section 181(2). In Schedule 9, in paragraph 1, the words “or in any parish in a rural district” and “or parish” and in paragraph 11(c), the words “or rural district”.
6 & 7 Eliz. 2. c. 26.	The House of Commons (Redistribution of Seats) Act 1958.	In section 4(3) and (4) the words “or rural” in both places where they occur.
6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	In section 17, in subsections (1) and (2)(a), the words “county borough, metropolitan”.
6 & 7 Eliz. 2. c. 33.	The Disabled Persons (Employment) Act 1958.	In section 3, in subsection (3) the words from the beginning to “made thereunder”. In the Schedule, in paragraph 1(1)(e), the words “fifty-nine and”, and paragraph 3.
6 & 7 Eliz. 2. c. 42.	The Housing (Financial Provisions) Act 1958.	In section 55(1), paragraphs (a) and (b).
6 & 7 Eliz. 2. c. 49.	The Trading Representa- tions (Disabled Persons) Act 1958.	In section 1(5) (including that section as set out in the Schedule to the Trading Representations (Disabled Persons) Amendment Act 1972) the words “county borough”.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Part II. Part III. Section 55. In section 56(2) the words from “of the council of a borough” to “applies or”. Sections 57 to 59. Section 60(1). Section 65. Schedule 7.

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Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2 c. 55— <i>cont.</i>	The Local Government Act 1958— <i>cont.</i>	In Schedule 8 paragraph 20 and in paragraph 31, sub-paragraph (1) and, in sub-paragraph (4), the words from “and in head (a)” to “Local Elections Rules”.
6 & 7 Eliz. 2. c. 69.	The Opencast Coal Act 1958.	In section 11(1), the words “county borough or”.
7 & 8 Eliz. 2. c. 8.	The Slaughter of Animals Act 1958.	In section 10, in the definition of “local authority” the words “or rural”.
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	In section 120(2), the words from “(whether within” to “1887”.
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959	In section 1, in subsection (2) the word “or” at the end of paragraph (a) and paragraph (b), and subsection (3). In section 2, the words “without prejudice to the provision of section four of this Act”. Section 4. Section 5. In section 8(2), in paragraphs (b) and (c), the words “that it shall not be exercisable by a county council in a borough or urban district, but, save as aforesaid”. In section 10, in subsection (1) the words “or with the council of an urban district” and the words “county borough” in the proviso to that subsection, and in subsection (4) the words “or urban district”. In section 13(6) the words “county borough”. Sections 21 to 25. In section 26, in the proviso to subsection (1), the words “(other than the council of a rural district)”. In section 29, subsections (1), (2), (4) and (5). In section 34(12) the words “a London borough or” and “in the case of the City of London”. In section 41 the words “borough or urban district”. Section 45. In section 48, subsection (2)(c), in subsection (5) and (6) the words “or county borough”, and in subsection (9) the

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25— <i>cont.</i>	The Highways Act 1959— <i>cont.</i>	<p>definitions beginning “trunk road bridge” and “trunk road”.</p> <p>Section 65(6).</p> <p>Section 67(7).</p> <p>In section 69, in subsection (1) the words from “in a borough” to “in any case a highway”; in subsection (3) the words “a road in a borough or urban district, being”; and subsection (4).</p> <p>In section 71(2) the words “and in section twenty-nine of this Act”.</p> <p>Sections 74 and 75.</p> <p>Section 76(4).</p> <p>In section 85, subsection (4)(b) and in subsection (5) the words “or county borough”.</p> <p>In section 92(5)(a), the words “county borough or”.</p> <p>In section 108(7)(a), the words “of the local planning authority (if not the applicants), and”.</p> <p>Section 108(10)(a).</p> <p>In section 112, the proviso to subsection (2), subsections (3) and (4).</p> <p>In section 116, in subsection (2), the words “as respects any county road in the county”, “as respects any highway in their area” and “road or” and subsections (7) and (8).</p> <p>In section 118, in subsection (1) the words “subject to the following subsection” and subsection (2).</p> <p>In section 119, in subsection (5A), the words from “are not” onwards.</p> <p>In section 120(4), the words “or a county road (other than a claimed county road)”.</p> <p>In section 131, in subsection (7) the words “Subject to subsection (10) of this section” and subsection (10).</p> <p>In section 132, in subsection (1) the words from “in a borough” to “of this Act” and subsections (7) and (9).</p> <p>Section 133.</p> <p>Section 134(4)(b).</p>

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25— <i>cont.</i>	The Highways Act 1959— <i>cont.</i>	<p>In section 146, the proviso to subsection (1).</p> <p>In section 154, in subsection (1) the words from “in any borough” to “that rural district”, and in subsection (6) the words from “the power conferred” to the end of the subsection.</p> <p>Section 157(3).</p> <p>In section 160, the words from “and, in the case” to “comprising the district”.</p> <p>In section 163, subsections (2) and (7).</p> <p>Section 165(4).</p> <p>Section 167(8).</p> <p>Section 173(2).</p> <p>In section 174(3), the words “at the offices of the authority”.</p> <p>In section 179(2), the words “at the offices of the authority”.</p> <p>Section 187.</p> <p>Sections 189 to 191.</p> <p>In section 200, the words “or the code of 1875”.</p> <p>In section 201, the words “or the code of 1875”.</p> <p>In section 204(1), the words from “situated” to “of this Act”.</p> <p>In section 205, the words from “or the code of 1875” to the end of the section.</p> <p>In section 206, in subsection (3), the words from “or in the case” to “code of 1875”, subsection (8), and in subsection (9) the definition of “appropriate council” and the word “borough” in the last two places where it occurs.</p> <p>In section 207(1), the words “or section one hundred and ninety”.</p> <p>In section 209(1), the words “or section one hundred and ninety”.</p> <p>In section 210, the words from “or the code of 1875” to “relating to such works”, in each place where they occur.</p> <p>In section 211(1), in paragraph (a) the words “or section one</p>

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2 c. 25— <i>cont.</i>	The Highways Act 1959 — <i>cont.</i>	<p>hundred and ninety” and the final word “or”, paragraph (b) and the words “as to the due execution of the works and” and “or the works were executed”.</p> <p>In section 213, in the proviso to subsection (1), the words from “and shall not” to the end of the proviso, and subsection (4).</p> <p>In section 214(7), paragraph (a) and in paragraph (b) the words “or county borough”.</p> <p>In section 223(2), paragraph (a) and in paragraph (b) the words “or county borough”.</p> <p>In section 226(3) the words from “or, in a case” onwards.</p> <p>In section 227(1) the words from “In this subsection” onwards.</p> <p>Section 232.</p> <p>In section 233(1) the words “borough or urban district”.</p> <p>Section 234.</p> <p>Section 239(3).</p> <p>Section 242.</p> <p>Section 245.</p> <p>Section 246(4).</p> <p>Section 247.</p> <p>In section 249(3) the words from “and where” onwards.</p> <p>In section 260 the word “county”, where it first occurs.</p> <p>In section 285, in subsection (1)(d) the words “twenty-four” and “subsection (4) of section forty-five” and in subsection (2)(b) the words from “paragraph 6” to “that Schedule or”.</p> <p>In section 286, in the proviso to subsection (2), the words from “sections twenty-one” to “forty-five” and the words “and two hundred and ninety”, and in subsection (4) the words “or a county road”, in each place where they occur, and the words “as the case may be”.</p> <p>Section 290.</p> <p>Section 292.</p> <p>In section 295(1), in subsection (1) the definitions of “claimed</p>

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25— <i>cont.</i>	The Highways Act 1959— <i>cont.</i>	<p>county road”, “county bridge” and “county road”, and in subsection (4) the words from the beginning to “respectively, and”.</p> <p>In section 297 the words “such roads or”.</p> <p>In section 312, subsections (5) and (7).</p> <p>In Schedule 1, in paragraph (i) of the Table in Part I, the words “(other than the council of a county district)” and the words from “and, in the case” to the end of the paragraph.</p> <p>Schedule 6.</p> <p>Schedule 8.</p> <p>In Schedule 12, paragraph 1(a).</p> <p>Part II of Schedule 14.</p> <p>In Schedule 17, paragraph 1 and in paragraph 6 the words “the code of 1875”.</p> <p>In Schedule 18, in paragraph 1, the word “145” and in paragraph 2 the word “190”.</p> <p>Schedule 19.</p> <p>Schedule 21.</p> <p>In Schedule 24, in paragraph 24, the words “the code of 1875 or” and “or the corresponding provisions of any local Act”.</p>
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 28.
7 & 8 Eliz. 2. c. 54.	The Weeds Act 1959.	In section 5 the words “or borough” in both the places where they occur.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 9, in subsection (1), the words “as local health authority” and in subsection (3) the words “as a children authority”.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	<p>In section 135, in subsections (2) and (7) the words “county borough”, in each place where they occur.</p> <p>In section 143(2), the words “county borough”.</p> <p>In section 161(1), the words “county borough”.</p>
8 & 9 Eliz. 2. c. 34.	The Radioactive Sub- stances Act 1960.	In section 19(1), in the definition of “local authority”, the words “county borough, metropolitan”.

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Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	<p>In section 6(8), the words "county borough" and "or borough included in a rural district" and "metropolitan".</p> <p>In section 10, in subsection (4), the words from "and the council" to "any part of the county" and subsections (6) and (7).</p> <p>In section 11, in subsection (4), the words from "or the council" to the end of the subsection.</p> <p>In section 12(1), in the definition of "local council", the words "of a borough included in a rural district".</p> <p>In section 18, in subsection (12), the words from "but a parish" to the end of the subsection.</p> <p>In section 32, in subsection (3), the words from "This subsection" to the end of the subsection.</p> <p>In section 37, in subsection (1), the words from "and shall apply" to the end of the subsection; in subsection (2) the words from "This subsection" to the end of the subsection; and subsection (5) from the word "and", at the end of paragraph (a), onwards.</p> <p>Section 44(4).</p>
8 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act 1960.	<p>In section 29(1), in the definition of "local authority", the words "borough or urban or rural".</p> <p>In Schedule 2, the word "rural" wherever it appears.</p>
8 & 9 Eliz. 2. c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In the Schedule, paragraph 1(e).
8 & 9 Eliz. 2. c. 68.	The Noise Abatement Act 1960.	In section 2(5)(a), the words "county borough" and "and the council of a borough included in a rural district".
9 & 10 Eliz. 2. c. 29.	The Rural Water Supplies and Sewerage Act 1961.	Section 1(2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	<p>In section 47(1), the words "county borough".</p> <p>In section 176(1), in the definition of "district council", the words "borough or county".</p>

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Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 40.	The Consumer Protection Act 1961.	In section 6(3)(b) the words from "but as if" onwards.
9 & 10 Eliz. 2. c. 43.	The Public Authorities (Allowances) Act 1961.	Section 1. Section 3(1).
9 & 10 Eliz. 2. c. 48.	The Land Drainage Act 1961.	In section 3(9) the words "county borough". In section 11(2) the words "county borough or". In section 17 the words "county borough". In section 21(3)(b) the words "or county borough". In section 30, in subsection (3), the words "or county boroughs" and in subsection (9) the words "or county borough". In section 34, in subsection (1), the words "county borough or" and in subsection (2), the words "or rural". In section 38(3) the words "or county borough".
9 & 10 Eliz. 2. c. 62.	The Trustee Investments Act 1961.	In section 11(4)(a) the word "(including" and the words from "borough which" to "urban or rural". In Part IV of Schedule 1, in paragraph 4, in the definition of "local authority" the words "(including a borough which has been included in a rural district)".
9 & 10 Eliz. 2. c. 63.	The Highways (Miscellaneous Provisions) Act 1961.	Section 14(2)(b)(iii).
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 2(3), the words "or rural". Section 16. In section 40(2), the words "on the advice of their medical officer of health". The proviso to section 51(1). Section 54(8).
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	In section 16(2) the words from "who are not" to "another fire authority". Section 34.
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 3.
10 & 11 Eliz. 2. c. 56.	The Local Government (Records) Act 1962.	In section 2(6), the words "county borough". Section 3. In section 8(1), the words "county borough" and "or the council of a borough included in a rural district".

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Chapter	Short Title	Extent of Repeal
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	<p>In Schedule 1, in paragraph 2, in the definition of "appropriate local authority" the words "county borough".</p> <p>In Schedule 2, paragraphs 1(3) and (4), in paragraph 1(6) the words from the beginning to "may be", and paragraphs 2 and 3.</p> <p>In Schedule 3, in paragraph 6(2), in the definition of "local authority", the words "county borough".</p> <p>In Schedule 7, in paragraph 1(2)(a), the words "county borough".</p>
1963 c. 29.	The Local Authorities (Land) Act 1963.	Section 1.
1963 c. 31.	The Weights and Measures Act 1963.	Section 13. Section 34.
		<p>In section 35, subsections (1) and (2).</p> <p>In section 37(1), the words "section 91 of the Local Government Act 1933 or".</p> <p>In section 40, in subsection (1), the words "borough or", in the last two places where they occur, and subsections (2) and (3).</p> <p>Section 47.</p>
1963 c. 33.	The London Government Act 1963.	<p>In section 1, subsections (4) and (7).</p> <p>In section 2, subsections (2) and (3), and in subsection (4), the words from "and the first" to the end of the subsection.</p> <p>Section 3.</p> <p>Section 6.</p> <p>Section 19(5).</p> <p>Section 44(1) to (3) and (7).</p> <p>In section 45, subsections (1), (2) and (5), in subsection (6) the words "and in paragraph 6 of Part II of Schedule 4 to that Act" and subsection (7).</p> <p>In section 46, subsections (1), (2) and (5) to (8).</p> <p>In section 47, subsections (1) and (3).</p> <p>Section 54(1)(a).</p> <p>Section 57(1).</p> <p>Section 58(2) and (3).</p> <p>In section 61, subsections (1) and (2).</p> <p>In section 62, in subsection (1), paragraphs (b) and (f), and subsection (4).</p>

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Chapter	Short Title	Extent of Repeal
1963 c. 33— <i>cont.</i>	The London Government Act 1963— <i>cont.</i>	<p>Section 69. Section 70. In section 71, in subsection (1), the words from “and without” to the end of the subsection. Section 74. Section 78(2)(c). In section 85(1), the words “6 or”. Section 86. Section 92(3). Part III of Schedule 1. In Schedule 2, paragraphs 1 to 9, 11 to 15 and 19 to 24 and paragraph 31(d) and (iii). In Schedule 3, Part I, except paragraph 16; in Part II, in paragraph 22, the words “the Local Government Elections Act 1956 and”, in paragraph 23, the words “and 1956” and in paragraph 24, the words from “and so far” to the end; Part III except paragraphs 27, 31, 32, 33 and 35. Schedule 4. In Schedule 6, paragraphs 3, 9, 10, 13(1), 14 to 17, 21 to 25, 29, 31 to 34, 38 to 41, 43, 46 to 52, 54, 57, 61, 63(2), 64, 65, 68(c) and 69 to 71. In Schedule 11, paragraphs 3 to 10, 15 and 39. In Schedule 13, paragraph 5. In Schedule 14, in paragraph 2, the words “and 34”. Schedule 16. In Schedule 17, paragraphs 5, 9(b), 13, 17, 18(a) and (b), 23 and 28(a).</p>
1963 c. 37.	The Children and Young Persons Act 1963.	In Schedule 2, in paragraph 8, the word “or”, in the last place where it occurs, and subparagraph (b).
1963 c. 41.	The Offices, Shops and Railway Premises Act 1963.	In section 61(2)(c), the words “other than the council of a county borough”. In section 90(1), in the definition of “local authority”, the words “a county borough”.
1963 c. 43.	The Animal Boarding Establishments Act 1963.	In section 5(2), in the definition of “local authority”, the words “county borough or” and “metropolitan”.

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Chapter	Short Title	Extent of repeal
1963 c. 46.	The Local Government (Financial Provisions) Act 1963.	Sections 1 to 4. Sections 6 to 11. In section 14, the words "4 and". Schedule 1.
1964 c. 21.	The Television Act 1964.	In section 9A(6) the words "county borough".
1964 c. 26.	The Licensing Act 1964.	In section 2(2), paragraph (b) and in paragraph (c) the words from "or if" onwards. Section 16(1)(a). In section 58(1)(a), the words "county borough". In section 193, in subsection (1), the words "county borough or borough having a separate commission of the peace"; and in subsection (2) the words "county borough or borough having a separate commission of the peace" and "or for that borough". In Schedule 3, paragraphs 1(3) and 11. In Schedule 8, paragraph 4; in paragraph 6(1), the words "in a county" and "in a county borough divided into wards the mayor", the words "or county borough", in the first two places where they occur, and the words from "except that" to the end of the sub-paragraph; in paragraph 6(2), the words "or county borough" and the words "or mayor" in both places where they occur; in paragraph 6(3), the words "or mayor" and "or county borough"; and in paragraph 7, the words "or county borough", "or mayor" and "or borough", in each place where they occur. In the Appendix to Schedule 8, in Form D, the words "[electoral division of the county of] [county borough of]", in each place where they occur.
1964 c. 42.	The Administration of Justice Act 1964.	Section 18(3). In section 19 in subsection (3) the words "and (b)" and the words from "shall have

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Chapter	Short Title	Extent of Repeal
1964 c. 42— <i>cont.</i>	The Administration of Justice Act 1964— <i>cont.</i>	effect” to “1887, but” and, in subsection (4), paragraph (b).
1964 c. 48.	The Police Act 1964.	<p>In Schedule 3, in paragraph 20, sub-paragraphs (3) and (4) and paragraph 31(1).</p> <p>In section 1, in subsection (1), the words “and county borough” and subsections (2) and (3).</p> <p>In section 2, in subsection (1), the words “or county borough”, “or borough”, “in the case of a county” and “and, in the case of a borough, as the watch committee”; subsection (3); in subsection (4), the words “or watch committee”, in both places where they occur; in subsection (5), the words “or watch committee” and “or county borough”.</p> <p>In section 8, the words “or county borough” wherever occurring; in subsection (4) the words “or borough” and subsection (5).</p> <p>In sections 9 and 10, the words “or county borough” wherever occurring.</p> <p>In section 11, the words “county borough”, in both places where they occur, and the word “or” in the last place where it occurs.</p> <p>Section 19(5).</p> <p>In section 21, in subsection (3), in paragraph (b), the words from “including a clerk” onwards, and paragraph (f); and subsection (4).</p> <p>In section 22(2)(a), the words “or county boroughs”.</p> <p>In section 23(2), in paragraph (a) the words “or county borough”, in paragraph (b), the words “or county borough”, in both places where they occur and, in paragraph (c), the words “or county borough”, wherever occurring, and sub-paragraph (ii).</p> <p>Section 25(1) to (4).</p> <p>In section 27 the definition of “consolidation agreement”,</p>

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Chapter	Short Title	Extent of Repeal
1964 c. 48— <i>cont.</i>	The Police Act 1964— <i>cont.</i>	<p>in the definition of “constituent authority” the words “in the case of a county” and the words from “and, in the case” to “the borough”, and in the definition of “local fund” the words from “and” to the end of the definition.</p> <p>In section 31(1), the words “county borough police force”.</p> <p>In Schedule 1, the words “or county borough” wherever occurring and in paragraph 7(b), in paragraph (i) the words “or county boroughs” and paragraph (ii).</p> <p>In Schedule 3, in paragraph 2, the words “or county borough”.</p> <p>In Schedule 5, in paragraph 2(2), the entry in the Table beginning with the words “River Tyne”.</p> <p>In Schedule 8, the entry relating to county boroughs and the words “or a county borough”.</p> <p>In Schedule 9, in the amendments of section 5 of the Riot (Damages) Act 1886, the entry relating to section 5(3) of that Act and, in the amendment of section 195 of the 1933 Act, the words “or county borough” and the amendment of section 18 of the Local Government (Miscellaneous Provisions) Act 1953.</p> <p>In Schedule 11, paragraphs 7 to 13.</p>
1964 c. 56.	The Housing Act 1964.	<p>In section 12(1), in the definition of “local authority” the words “county borough”.</p> <p>In section 44(1), in the definition of “local authority” the words “county borough”.</p> <p>In section 96(5), in the definition of “local authority” the words “county borough”.</p> <p>Section 106(4).</p>
1964 c. 69.	The Scrap Metal Dealers Act 1964.	<p>In section 9(2), in the definition of “local authority” the words “county borough or county”.</p>
1964 c. 70.	The Riding Establishments Act 1964.	<p>In section 6(4), the words from “as respects any non-county borough” to “of the county”.</p>

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Chapter	Short Title	Extent of Repeal
1964 c. 75.	The Public Libraries and Museums Act 1964.	<p>Section 4(1). Section 6(1) to (4). In section 7(1) the words from "and for that purpose" to "requisite". In section 10(2)(b), the words "with a population less than 40,000" wherever occurring. In section 12, the proviso to subsection (1) and in subsection (2) the words "with the consent of the Secretary of State". In section 14, the words from "being a library" to "section 12 above". Section 15(4). Section 18. In section 21, in subsection (1), the words from "and expenses" onwards, and subsections (2) and (3)(b). In section 25, the definitions of "local authority" and "population". Section 26(3), (4) and (6). In Schedule 2, in paragraph 2, in sub-paragraph (1) the words from "but except" onwards and sub-paragraphs (2) and (3), and paragraph 6.</p>
1964 c. 77.	The Local Government (Pecuniary Interests) Act 1964.	The whole Act.
1965 c. 16.	The Airports Authority Act 1965.	In section 23(1), in the definition of "local authority" the words "county, county borough".
1965 c. 36.	The Gas Act 1965.	Section 27(4).
1965 c. 42.	The Public Health (Notification of Births) Act 1965.	Section 1(1).
1965 c. 59.	The New Towns Act 1965.	<p>In section 1(4), the words "county borough or". In section 9(1), the words "county borough or". In section 54(1), the definition of "local planning authority".</p>
1965 c. 63.	The Public Works Loans Act 1965.	<p>Section 2(2). In the Schedule, paragraphs 8 and 9.</p>
1965 c. 64.	The Commons Registration Act 1965.	<p>In section 2(1)(a) the words "or county borough" in both places where they occur. In section 22(1), in the definition of "local authority",</p>

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Chapter	Short Title	Extent of Repeal
1965 c. 64— <i>cont.</i>	The Commons Registration Act 1965— <i>cont.</i>	the words “county borough” and “or the council of a borough included in a rural district”.
1965 c. 75. 1965 c. xx.	The Rent Act 1965. The Greater London Council (General Powers) Act 1965.	Section 35(8). Section 7.
1965 c. xxxix.	The City of London (Various Powers) Act 1965.	In section 33, in subsection (1), the words “6 and” and “(2) and” and subsection (2).
1966 c. 9.	The Rating Act 1966.	In section 11(1), in the definition of “rating authority” the words “county borough”.
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	In section 1(1), the words “or borough council” and “or borough” in the next place where those words occur. In section 2(1), the words “or of such borough council”, “councils, being” and “or borough councils”. In section 3, the words “or borough council” and “or borough, as the case may be”. In section 19, the words “or borough”. In section 20(1), the definition of “borough”.
1966 c. 42.	The Local Government Act 1966.	Section 10(4). Section 28(6).
1967 c. 5.	The London Government Act 1967.	The whole Act.
1967 c. 9.	The General Rate Act 1967.	In section 2(2), the words “of a borough included in the rural district or” and “borough or”. In section 38(4), the words “boroughs with a separate commission of the peace or boroughs having a separate court of quarter sessions”. In section 44(2)(b), the words “county borough” and “or borough included in a rural district”. In section 85(2), the words “county borough”. In section 91(1)(b), the words “or county borough”. In section 91(4), the words from the beginning to “county borough councils”. In section 112, the words “or urban district”, “or district” and “rural”.

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Chapter	Short Title	Extent of Repeal
1967 c. 9.— <i>cont.</i>	The General Rate Act 1967— <i>cont.</i>	Section 116(8). In section 116(9), the words from “and in paragraph 5(a)” to “urban parish”. In Schedule 1, in paragraph 15, the words “county borough”. In Schedule 4, in paragraph 1(6), the words “to each county borough” and the word “borough”, in the second and third places where it occurs.
1967 c. 19.	The Private Places of Entertainment (Licensing) Act 1967.	Section 6(2). In Part I of the Schedule, the words “borough or county”, wherever occurring.
1967 c. 22.	The Agriculture Act 1967.	In section 75(2), in the definition of “local authority”, the words “borough, including a county borough and a” and the words “urban or rural”.
1967 c. 24.	The Slaughter of Poultry Act 1967.	In section 8, in the definition of “local authority” the words “a county borough”.
1967 c. 29.	The Housing Subsidies Act 1967.	In section 27(1)(a)(i) the words “or rural”.
1967 c. 69.	The Civic Amenities Act 1967.	In section 18, in subsection (4), the words from “and without prejudice” to the end of the subsection. In section 23(3), paragraphs (b) and (c). In section 27(1), in the definition of “local authority” the words “county borough”.
1967 c. 76.	The Road Traffic Regulation Act 1967.	In section 1(2)(a), the words from “the council of a county borough” to “any other area”. Section 5(4). In section 15(8)(a), the words from “a county borough” to “as regards”, in the second place where those words occur, and the word “other”. In section 21, subsection (2) and in subsection (6), paragraph (c) and the words from “in relation to the council of a county in England” to “the county and”. In section 24, in subsection (2)(a), the words “or county borough” and in subsection (5), the words “or county

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Chapter	Short Title	Extent of Repeal
1967 c. 76— <i>cont.</i>	The Road Traffic Regulation Act 1967— <i>cont.</i>	<p>borough” and “or borough”.</p> <p>In section 26(1), the words “borough or urban district”.</p> <p>In section 28(6)(a) the words “subject to subsection (7) below”.</p> <p>Section 49.</p> <p>Section 66(1).</p> <p>In section 69, in subsection (3), the words from “but, where” to the end of the subsection.</p> <p>In section 81(8), the words “or borough”.</p> <p>In section 82(4) the words “or county borough, county district” and “borough included in a rural district”.</p> <p>In section 104(1), in the definition of “highway authority” the words from “the council of a county borough” to “urban district”.</p>
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(6)(a), the words “county borough”.
1968 c. 23.	The Rent Act 1968.	<p>In section 5(2)(a) the words “or county borough”.</p> <p>In section 39(1) the words “county boroughs”.</p> <p>In section 57(5), the words “county borough”.</p> <p>Section 68.</p> <p>In section 70, in subsection (1), the words from “and which” to the end of the subsection.</p> <p>In section 82(1)(a) the words “county borough”.</p> <p>In section 89(9) the words “county borough”.</p> <p>In section 107(4) the words “county boroughs”.</p> <p>In Schedule 9, in paragraphs 15(2) and 20(2) the words “county borough”.</p>
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	In section 22(2)(a), the words “county boroughs”.
1968 c. 41.	The Countryside Act 1968.	<p>In section 6, in subsection (2), the words “county borough”;</p> <p>in subsection (3), the words from “except” onwards; and subsections (4) to (7).</p> <p>Section 39.</p> <p>In section 49(3), the words from “and references” onwards.</p> <p>In Schedule 3, in Part I, the amendments of sections 27,</p>

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Chapter	Short Title	Extent of Repeal
1968 c. 41— <i>cont.</i>	The Countryside Act 1968 <i>—cont.</i>	28, 32, 110, 111 and 112(5) of the Highways Act 1959, and in Part II, in paragraph 2(2) the words “or county borough”.
1968 c. 46.	The Health Services and Public Health Act 1968.	Schedule 4. In section 12, subsection (6) and in subsection (7), paragraphs (b) and (c). Section 51.
1968 c. 52.	The Caravan Sites Act 1968.	In section 6(1) the words “county borough”.
1968 c. 61.	The Civil Aviation Act 1968.	Section 7(4). In section 12(1) the words “a county borough”.
1968 c. 65.	The Gaming Act 1968.	Section 7. In section 21(3), the words “county borough”.
1968 c. 67.	The Medicines Act 1968.	In section 28(3), in the definition of “local authority”, the words “county borough”.
1968 c. 69.	The Justices of the Peace Act 1968.	In section 44(3), the words “county borough”.
1968 c. 73.	The Transport Act 1968.	In Schedule 2, in paragraph 2(2), in paragraph (a) of the definition of “the appropriate local authority” the words “county borough”.
		In Schedule 9, in paragraph 1(b), the words “county borough”.
		In section 108(8), the words “or county borough”.
		In section 1(6) the words from “(including” to “rural district)” and “(within the meaning of the Local Government Act 1933)”.
		In section 9(1)(a), in subparagraph (i), the words “county boroughs” and “and” and subparagraph (ii).
		In section 34(1), the words “county borough”.
		In section 35(1)(b)(iii), the words “county borough”.
		In section 56(6)(a), the words “county borough”.
		In section 63(6)(a), the words “county borough”.
		In section 115(3)(a), the words “county borough”.
		Section 116(5).
		In section 123(2), the words “county borough”.

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Chapter	Short Title	Extent of Repeal
1968 c. 73— <i>cont.</i>	The Transport Act 1968 <i>—cont.</i>	<p>In section 124(4), the words “county borough”.</p> <p>In section 138(9)(b), the words “county borough”.</p> <p>In Part I of Schedule 5, in its application in England and Wales, in paragraph 1, subparagraph (b) and the words “with the approval of the Minister”.</p> <p>In Schedule 14, in Part IV, paragraph 4.</p>
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	<p>In section 11, in subsection (3) the words “subject to subsection (4)” and in paragraph (a) the words “county borough”, and subsection (4).</p>
1969 c. 15.	The Representation of the People Act 1969.	<p>Section 6(1).</p> <p>In section 8(4)(a) the words “or rural borough”.</p> <p>In section 11(3) the words “which adjoins the area” and “in an urban or rural”.</p> <p>In section 12(1), the words from “and of which” to “Wales”.</p> <p>In section 13(4) the words “in section 72(1)(a) of the Local Government Act 1933 and” and, in section 13(5), the words “rule 20 of the local elections rules”.</p> <p>In section 14 the words “and the local elections rules”.</p> <p>Sections 15 to 17.</p> <p>Section 18, except subsection (2).</p> <p>In section 19(2), the words from the beginning to “officer, and” and subsections (3) and (4).</p> <p>Section 24(3).</p> <p>Section 26(2).</p> <p>In Part I of Schedule 1, the amendments of the local elections rules.</p> <p>In Part II of Schedule 1, in paragraph 1(1), the words from “the English” to “1949 and”; in paragraph 4, the words “rule 16 of the English and Welsh rules”; in paragraph 6(1)(a), the words “as defined in rule 6(6) of the English and Welsh rules” and paragraph (c); paragraph 12(2); para-</p>

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Chapter	Short Title	Extent of Repeal
1969 c. 15— <i>cont.</i>	The Representation of the People Act 1969— <i>cont.</i>	graph 13(1); in paragraph 13(2), the words from “and accordingly” to the end; and in paragraph 13(4) the words “and at the end of rule 46(1) of the English and Welsh rules”. In Schedule 2, paragraph 22; in paragraph 23, the words “and in rule 6(6) of the local elections rules in Schedule 2”; paragraphs 24 and 26(2); and in paragraph 30 the words “and rule 43(5) of the local elections rules in Schedule 2”.
1969 c. 19.	The Decimal Currency Act 1969.	In Schedule 2, paragraphs 5, 7, 8, 9, 10, 12, 20 and 23.
1969 c. 27.	The Vehicle and Driving Licences Act 1969.	In section 33(1), in the definition of “local authority” the words “the council of a county borough”.
1969 c. 33.	The Housing Act 1969.	In section 27, in the definition of “housing authority” the words “county borough”. In section 60(5) the words from “who are not” to “another fire authority”.
1969 c. 54.	The Children and Young Persons Act 1969.	Section 68.
1969 c. 57.	The Employers' Liability (Compulsory Insurance) Act 1969.	In Schedule 3, paragraph 2(1). In section 3(2), the words “county borough”.
1970 c. 29.	The Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.	Section 5(1) and in section 5(2), the words from “burial authority” to “ground, and”.
1970 c. 39.	The Local Authorities (Goods and Services) Act 1970.	In section 1(4), in the definition of “local authority”, the words “county borough” and in the definition of “public body”, the words “council of a borough included in a rural district”.
1970 c. 40.	The Agriculture Act 1970.	Section 38(c) and (d). In section 48(1), the words “or county borough”. Section 57. In section 60(1)(a), the words “a county borough council”. In section 62(1)(a), the words “or county borough”. In section 67(1), the words “county borough”.

Chapter	Short Title	Extent of Repeal
1970 c. 42.	The Local Authority Social Services Act 1970.	Section 6(7). In section 7, subsections (2) and (3). Section 8. Section 10. In Schedule 2, paragraphs 2 to 4, 7 and 9.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	In section 2, the words from "notwithstanding" to "section 29, but" and subsection (2). In section 21(8) the words "or county borough".
1970 c. lxxix.	The City of London (Various Powers) Act 1970.	Section 7.
1971 c. 7.	The Local Authorities (Qualification of Members) Act 1971.	The whole Act.
1971 c. 23.	The Courts Act 1971.	In section 54, subsection (2), in subsection (3) the words "or as judge of a borough civil court" and subsection (4). In Schedule 7, paragraph 6. In Schedule 8, paragraph 15(2) and (3) and paragraph 23.
1971 c. 41.	The Highways Act 1971.	In section 19(3), the words "(4), (5) and" and "in each place where they occur". In section 26(7), the words "county borough". In section 27(7), the words "the council of a county borough". In section 57, in subsection (3)(a), the word "rural" and subsection (4). Section 59. Section 69. In section 76(1), the words "the code of 1875 or" and "or the corresponding provisions of any local Act". In Schedule 1, paragraphs 1 and 2.
1971 c. 62.	The Tribunals and Inquiries Act 1971.	Section 6.
1971 c. 75.	The Civil Aviation Act 1971.	In section 16(4), the words "county borough". In section 29(11), in the definition of "local authority", the words "county borough".
1971 c. 78.	The Town and Country Planning Act 1971.	Section 2. Section 3. Section 4.

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Chapter	Short Title	Extent of Repeal
1971 c. 78— <i>cont.</i>	The Town and Country Planning Act 1971— <i>cont.</i>	<p>Section 31(3)(c).</p> <p>In section 54(4), (6), (7) and (10), the words “county borough”.</p> <p>In section 112, subsection (3)(a) and in subsection (5) the words “county borough”.</p> <p>In section 114(1), the words “county borough”.</p> <p>In section 119(1), the words “county borough”.</p> <p>Section 121(3).</p> <p>In section 158, in subsections (4) and (5), the words “county borough”.</p> <p>In section 180(1), the words “county borough”.</p> <p>In section 188(1), the words “county borough”.</p> <p>In section 189(1), the words “county borough”.</p> <p>In section 213(5)(a), the words “county boroughs”.</p> <p>In section 215(8), the words “county borough” and the words “or of a borough included in a rural district”.</p> <p>In section 216(4) the words “or county borough”.</p> <p>In section 256, the words “county borough”.</p> <p>In section 290(1), in the definition of “authority possessing compulsory purchase powers” the words “or the council of a borough included in a rural district” and in the definition of “local authority” the words “county borough or”.</p> <p>Schedule 2.</p> <p>In Schedule 3, paragraphs 3(5), 5 and 6.</p> <p>In Schedule 20, in paragraph 1(3), the words “county borough council, a county”.</p> <p>In Schedule 24, paragraph 9.</p>
1971 c. lxxvii.	The Manchester Corporation (General Powers) Act 1971.	<p>In section 65, in subsection (3), the words “and (3)”, where they first occur, the words from “and the directions” to “such charges” and the words from “and the said subsections” to the end of the subsection and subsection (4).</p>
1972 c. 5.	The Local Employment Act 1972.	<p>In section 8(3), the words “county borough”.</p> <p>In section 9(1), the words “county borough”.</p>

Chapter	Short Title	Extent of Repeal
1972 c. 20.	The Road Traffic Act 1972.	<p>In section 35(5), the words "and in this subsection 'county borough' includes a London borough".</p> <p>In section 55(7), the words "a county borough".</p> <p>In section 123, the words "county borough".</p> <p>In section 127(2), in the definition of "local authority" the words "county borough or county district".</p> <p>In section 144(2)(a), the words "county borough".</p> <p>In section 196(1), in the definition of "highway authority", the words from "the council", in the second place where they occur, to "urban district".</p> <p>In Schedule 3, in paragraph 1 the words "county borough or".</p>
1972 c. 42.	The Town and Country Planning (Amendment) Act 1972.	<p>Section 1.</p> <p>In the Schedule substituted for Schedule 4 to the Town and Country Planning Act 1971 by Schedule 1, paragraph 3; in paragraph 8, in sub-paragraph (3) paragraphs (b) and (c) and the words "(joint or other)", and sub-paragraph (4); paragraph 9(2); in paragraph 11(1) the words from "and also" to "planning authorities" and the words from "or, as" to the end; paragraph 13; in paragraph 14(2), the words "or, as the case may be, of paragraph 13(1)(a) to (c) above"; paragraph 15; in paragraph 16, in sub-paragraph (1), the words "(other than a joint local plan)" and the words from "and in relation" to the end, and sub-paragraphs (2) to (4); and paragraph 17(2).</p> <p>Paragraph 21 of Schedule 1.</p>
1972 c. 47.	The Housing Finance Act 1972.	Paragraph 21 of Schedule 1.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	Section 5(4).

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