
STATUTORY INSTRUMENTS

1973 No. 1861

The Local Authorities (England) (Property etc.) Order 1973

Agreements as to the transfer of property other than land not transferred by the preceding articles

12.—(1) Paragraph (1) of article 9 applies to this article as it applies to article 9.

(2) Nothing in this article applies to any matter provided for in article 9 or in articles 11(2) and (3) and 18 in their application to any matter provided for in article 9.

(3) Any property other than land vested in an authority named in column (1) of Part I of Schedule 3 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) for the purposes of functions—

- (a) which are not exercisable on and after 1st April 1974 by an authority of the specified class in relation to such authority; but
- (b) which are so exercisable by the authorities specified in respect of such authority in column (2),

shall by virtue of this order be transferred to and vest in such one or more of the authorities specified in column (2) as may be agreed between them.

In this paragraph, the specified class of authorities, in relation to any authority described in column (1) of the following table, means the class specified in respect thereof in column (2).

TABLE

(1)	(2)
The council of a county	Non-metropolitan county councils
The corporation or council of a borough, or the council of an urban or rural district, wholly or partly comprised in metropolitan districts	Metropolitan district councils
The corporation or council of any other borough, or the council of any other urban or rural district	Non-metropolitan district councils

(4) Any property other than land vested in the council of any administrative county, county borough or county district for the purposes of functions which on 1st April 1974 become exercisable in any area partly by the county council and partly by the district council shall by virtue of this order be transferred to and vest in such one of those councils as may be agreed between them.

(5) Subject to the provisions of paragraphs (3) and (4), any property other than land vested in an authority named in column (1) of Part II of Schedule 3 (or of any extension thereof effected by any further order under section 254 of the Act made before 1st April 1974) shall by virtue of this order be transferred to and vest in such one or more of the authorities specified in respect of such authority in column (2) as may be agreed between them.

(6) Any agreement under paragraph (3), (4) or (5) may—

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- (a) provide for payment in respect of any property within such paragraph;
 - (b) extend to any matter arising under article 18 in its application to property within such paragraph; and
 - (c) provide that any authority concerned shall be entitled to the use of the property for such period and on such terms as may be agreed, whether for the purposes of the functions for which the property is used immediately before 1st April 1974 or for the purposes of any other functions exercisable by them.
- (7) In default of agreement as to any matter arising under paragraph (3), (4), (5) or (6) or article 18 in its application to property within any such paragraph the matter shall be determined by the decision of a person agreed on by the authorities concerned or in default of agreement appointed by the Secretary of State.
- (8) In this article—
- “exercisable” means exercisable otherwise than by virtue of section 101, 110 or 187(2) or (3) of the Act; and
 - “property” does not include the balance on any fund or account.