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## STATUTORY INSTRUMENTS

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### 1973 No. 1861

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

##### **Land held for several purposes**

19.—(1) Where any land, not being a property described otherwise than as an undertaking in column (2) of Schedule 1 or of any extension thereof described in article 7, is held by an authority for the purposes of functions exercisable on and after 1st April 1974 by two or more authorities, or for the purposes of a function which will then be so exercisable, the land shall, subject to the provision of paragraphs (2) to (6), for the purposes of this order be deemed to be held for the purposes of the function exercisable by such one of those authorities as shall be determined by the first-mentioned authority to be the function for which the land is, immediately before that date, used to the greatest extent.

In such determination the first-mentioned authority shall disregard any use of the land which is temporary.

(2) In the application of paragraph (1), where any function is exercisable on and after 1st April 1974 by an authority of the relevant class in relation to the authority first mentioned in that paragraph and by any other authority, the function shall be deemed to be exercisable only by the authority of the relevant class.

(3) Subject to paragraph (2), two (but not more) functions exercisable on and after 1st April 1974 by an authority shall be treated as a single function in the application of paragraph (1).

(4) Any land to which paragraph (1) applies shall be held by the authority to whom it is transferred for the purposes of the function determined under that paragraph, or where two functions have been treated as a single function under paragraph (3) for the purposes of such one of those functions as is determined by the authority to whom the land is transferred.

(5) If notice is given by any authority that they are dissatisfied with the determination in paragraph (1) the purposes therein described shall be determined by agreement between the two or more authorities so described or failing such agreement by the decision of a person agreed on by such authorities or in default of agreement appointed by the Secretary of State, and paragraphs (1) and (4) shall have effect accordingly. Paragraphs (2) and (3) shall apply in the application of this paragraph.

(6) In this article, “exercisable” means exercisable otherwise than by virtue of section 101, 110 or 187(2) or (3) of the Act.

(7) In the application of this article, any reference to the purposes of functions includes a reference to the purposes of an undertaking transferred by article 7.